



## **82<sup>nd</sup> Legislature, Regular Session Summary Legislation Affecting the Department of State Health Services (DSHS)**

The 82<sup>nd</sup> Legislature met in regular session from January through the end of May. The following legislation affects DSHS programs, operations, or staff. Information on the policy provisions of HB 1, the General Appropriations Act, is found at the end of the document. Legislation adopted during the First Called Session will be provided in a separate document.

### **HB 15 (Rep. S. Miller/Sen. Patrick) Relating to informed consent to an abortion.**

HB 15 requires a physician to provide a sonogram to a pregnant woman and a verbal explanation of the image at least twenty-four hours before an abortion is performed. If a woman lives more than 100 miles from a facility that performs abortions, the sonogram must be provided at least two hours before the procedure begins.

DSHS' role is to develop, maintain, and publish on its public internet website a list of providers of no-cost sonograms. DSHS will also prepare the form to be used by the physician to certify that the requirements of the bill have been met. In addition, physicians who perform abortions without providing sonograms due to a medical emergency have to certify to DSHS within seven days the specific medical conditions that constitute the emergency. Effective September 1, 2011.

### **HB 35 (Rep. Menendez/Sen. Van de Putte) Relating to extending a local behavioral health intervention pilot project.**

HB 35 extends the BexarCares pilot project in Bexar County created by the 81<sup>st</sup> Legislature for an additional two years. BexarCares established a local behavioral health project to divert children who are at risk of an alternative school placement setting for behavior management or at risk for involvement with juvenile justice or child protective services systems. Effective September 1, 2011.

### **HB 51 (Rep. Lucio/Sen. Hinojosa) Relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain buildings and facilities of institutions of higher education.**

HB 51 establishes high-performance sustainable-design standards for the construction or renovation of state buildings. The State Energy Conservation Office is made responsible for setting, with the assistance of an advisory commission, applicable design and construction standards. This legislation could have an impact on future DSHS-related construction and renovation projects. Effective September 1, 2011.

### **HB 114 (Rep. McClendon/Sen. Zaffirini) Relating to designating April as Minority Cancer Awareness Month.**

HB 114 designates April as Minority Cancer Awareness Month to promote cancer awareness among the general public and minority populations and to encourage funding

of education and earlier and more effective diagnosis and treatment of cancer. Effective September 1, 2011.

**HB 118 (Rep. McClendon/Sen. Uresti) Relating to requiring the provision of notice by certain hospitals regarding patients' medical records.**

HB 118 requires that a hospital provide written notice to a patient or a patient's legally authorized representative, as defined by statute, that the hospital may dispose of medical records relating to the patient within the periods specified in the bill. The notice must be provided as soon as reasonably practicable following an emergency treatment situation. Effective September 1, 2011.

**HB 123 (Rep. Veasey/Sen. Nelson) Relating to an adult diabetes education program in certain county hospital systems and hospital districts.**

HB 123 authorizes DSHS to assist hospital districts and county hospital systems in counties with populations of more than 100,000 by providing an adult diabetes education program. The program must be based on a curriculum to be developed by the Texas Diabetes Council. Effective September 1, 2011.

**HB 167 (Rep. Raymond/Sen. Zaffirini) Relating to the transportation of certain mental health patients.**

HB 167 revises the priority according to statute of who the court may authorize to transport a patient committed or detained to a designated mental health facility. The bill adds qualified transportation service providers selected from a list maintained by the commissioners court in a given county to the list of individuals authorized to transport a patient. It also requires DSHS to prescribe uniform standards that a person is required to meet to be listed as a qualified service provider. Effective September 1, 2011.

**HB 300 (Rep. Kolkhorst/Sen. Nelson) Relating to the privacy of protected health information; providing administrative and civil penalties.**

HB 300 expands the scope of privacy regarding protected health information (PHI). It requires all entities handling PHI, including state agencies such as DSHS, to train all employees regarding state and federal laws concerning PHI as it relates to the agency's business and the employee's scope of employment. Entities must also provide electronic PHI records within fifteen business days after a written request if the agency is providing health care services to the individual and is using an electronic records system. Complaint information regarding PHI must be reported by these entities to the Office of Attorney General (OAG).

Entities must also provide notice and specific authorization to electronically disclose PHI; allows for posting of a general written notice if it is authorized by law to release the information. This provision covers most DSHS programs. HB 300 enhances civil penalties for violations regarding the improper release of PHI and grants OAG the authority to institute an action against an entity that violates the statute. State agencies are also authorized to institute action against entities that they license who violate the statute. The bill also authorizes the development and adoption of rules by the Health and Human

Services Commission (HHSC) of electronic standards for sharing PHI. Effective September 1, 2012.

**HB 326 (Rep. Guillen/Sen. Zaffirini) Relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.**

HB 326 requires agencies undergoing Sunset review to submit a listing and evaluation of each required report to the Sunset Commission, the Office of the Governor, and the Legislature. Separate legislation abolished a number of reports. Effective immediately.

Separate legislation modified the review of DSHS and other health and human services agencies by the Sunset Advisory Commission Sunset from the Fiscal Year (FY) 2012-2013 biennium to the FY 2013-2014 biennium.

**HB 411 (Rep. Laubenberg/Sen. Deuell) Relating to the confidentiality of newborn screening information.**

HB 411 requires the approval of the Commissioner of State Health Services (or designee, when specified) prior to post-testing release of newborn screening blood spots or data for certain uses. It also requires the department to post on the department's public internet website all disclosures that have received approval from the Commissioner of State Health Services. The bill specifies that residual use of blood spots for external public health research purposes requires parental consent. Public health purpose is defined as a purpose that relates to cancer, a birth defect, an infectious disease, a chronic disease, environmental exposure, or newborn screening.

HB 411 also requires the department's Institutional Review Board must contain at least three members who are not affiliated with a health agency. At least one of those three must be a member of the public.

Language originally proposed in SB 270 relating to newborn hearing screenings was added to the final version of HB 411. It requires that all birthing facilities perform a hearing screening on a newborn before discharging the newborn from the facility and set guidelines for follow-up care and intervention services if a newborn does not pass a screening test. The Executive Commissioner of HHSC is required to prescribe a form for declining newborn hearing screening by January 1, 2012. Persons and facilities are not required to comply with the newborn hearing screening changes made by HB 411 before that date.

HB 411 has immediate effect, except for certain provisions relating to the development of a new disclosure form, the destruction of genetic material, and the release of certain records and information, which take effect on June 1, 2012.

**HB 577 (Rep. McClendon/Sen. Deuell) Relating to emergency prehospital care provided by emergency services personnel.**

HB 577 amends the Health and Safety Code in relation to written directives and duties of emergency medical services personnel in certain emergency prehospital care situations, including procedures for out-of-hospital Do-Not-Resuscitate (DNR) orders or prescribed

DNR identification devices. The bill defines emergency medical services personnel, emergency prehospital care, and cardiopulmonary resuscitation. It authorizes discontinuation of resuscitation based on the determination by a medical director or an online physician's professional medical judgment if the affected person's personal physician is not present or does not assume responsibility for the care of an individual while that person is receiving emergency prehospital care. Effective immediately.

**HB 726 (Rep. Sheffield/Sen. Huffman) Relating to the electronic distribution of information to legislators by state agencies.**

Prior law required state agencies to mail a written notice to legislators of publications to be distributed to legislators. HB 726 modifies that law to require that state agencies send only electronic notices to the Texas Legislature with details of the publication's availability. Members of the Legislature who wish to receive the publication may reply electronically. Effective immediately.

**HB 748 (Rep. Menendez/Sen. Van de Putte) Relating to a criminal defendant's incompetency to stand trial, to certain related time credits, and to the maximum period allowed for restoration of the defendant to competency.**

HB 748 gives a defendant credit for time served in a jail, mental health facility, and residential care facility if that defendant is found incompetent to stand trial. It also allows a defendant who has reached the maximum restoration period without achieving competency to have the charges dismissed. This bill contains elements of a DSHS initiative related to recommendations from the Continuity of Care Task Force. Effective on September 1, 2011.

**HB 824 (Rep. Villarreal/Sen. Van de Putte) Relating to an outreach campaign to promote fathers' involvement with their children before birth.**

HB 824 directs OAG to develop and periodically update a publication that describes the long-term benefit of a father's involvement during a mother's pregnancy. The publication must also provide information to fathers on positive actions they can take to support the mother during pregnancy and their effect. WIC contractors are required to distribute the pamphlet once it becomes available. Effective immediately.

**HB 871 (Rep. Y. Davis/Sen. Zaffirini) Relating to indigent health care services that may be provided by a county.**

The bill adds physical and occupational therapy services to the list of optional health care services that may be provided by a county for indigent health care. Effective September 1, 2011.

**HB 1009 (Rep. Callegari/Sen. Hegar) Relating to procedures for obtaining informed consent before certain postmortem examinations or autopsies.**

This legislation requires DSHS, in consultation with the Texas Medical Board, to prescribe a standard written consent form for a postmortem examination or autopsy by December 31, 2011. The portion of HB 1009 that directs DSHS to prescribe the form takes effect on September 1, 2011.

**HB 1137 (Rep. Darby/Sen. Estes) Relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person's civil liability for certain acts arising from the sale of those products.**

HB 1137 affects business establishments that engage the sale of ephedrine, pseudoephedrine, or norpseudoephedrine. Before completing an over-the-counter sale of a product containing ephedrine, pseudoephedrine, or norpseudoephedrine, a business establishment must transmit the information regarding the purchaser, the product, and the time of purchase to a real-time electronic logging system. It also requires the Texas State Board of Pharmacy and DSHS, not later than September 30, 2011, to provide to the administrators of any real-time electronic logging system the names, addresses, and phone numbers of all business establishments engaging in over-the-counter sales of products containing ephedrine, pseudoephedrine, and norpseudoephedrine. Effective September 1, 2011.

**HB 1380 (Rep. Truitt/Sen. Rodriguez) Relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.**

HB 1380 allows internationally trained medical school graduates to apply for their Texas medical license after completion of their second year of residency training rather than after their third year, as in the prior statute. Foreign medical graduate students make up a significant proportion of the physicians in residency training and in the workforce, especially in underserved areas; DSHS has a role in linking physicians with opportunities such as a J-1 visa waiver if they are training under the authority of that type of visa. This change is intended to provide foreign graduates to enter the physician workforce more quickly. Effective September 1, 2011.

**HB 1386 (Rep. Coleman/Sen. Ellis) Relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, bullying, and cyberbullying.**

HB 1386 requires DSHS, in coordination with the Texas Education Agency, to provide and to update annually a list of recommended best practice-based early mental health intervention and suicide prevention programs for implementation in public elementary, junior high, middle and high schools. Each school district may select from the list a program or programs appropriate for implementation in the district. DSHS must submit a report to the Legislature relating to the development of the list of programs. The report must also address the implementation of these programs by those school districts that choose to offer them. Effective immediately.

**HB 1476 (Rep. Riddle/Sen. Nichols) Relating to the grounds for revocation of an emergency medical services personnel certification.**

Prior law authorized revocation of an emergency medical services personnel certificate if the certificate holder is convicted of or receives deferred adjudication for an offense directly related to professional duties or responsibilities. HB 1476 extends that authority to past convictions and deferred adjudications. Effective September 1, 2011.

**HB 1481 (Rep. Truitt/ Sen. Zaffirini) Relating to the use of person first respectful language in reference to individuals with disabilities.**

HB 1481 establishes the definition of "intellectual disability" in the Health and Safety Code, requires the Sunset Advisory Commission to consider respectful language in its recommendations, requires health and human services agencies to use respectful language in all reference materials, publications, and electronic materials, and electronic media. It also requires the Legislature and the Texas Legislative Council to avoid using certain terms and phrases in any statute or resolution that creates new law or amends a provision in which they occur. Effective September 1, 2011.

**HB 1797 (Rep. Naishtat/Sen. Rodriquez) Relating to the licensing and practice of social work.**

HB 1797 prohibits a person from engaging in the practice of social work unless that individual is licensed as a social worker. This legislation allows a license applicant to take the licensing examination if the individual holds a degree from an institution that is in candidacy for accreditation by the Council on Social Work Education. It also establishes that teachers of social work at an institution of higher education or a private or independent institution of higher education are not required to hold a license, as long as they do not otherwise engage in the practice of social work. Effective immediately.

**HB 1829 (Rep. Naishtat/Sen. Nelson) Relating to the transfer to a mental hospital of a person admitted to a facility for emergency detention.**

This bill allows a facility that has admitted a person for emergency detention to transfer that individual to an appropriate mental hospital with the written consent of the hospital administrator. This statutory change reflects current practice. The bill also allows the electronic transmission of a warrant for emergency detention. Effective September 1, 2011.

**HB 1930 (Rep. Zedler/Sen. Van de Putte) Relating to the membership and duties of the Human Trafficking Prevention Task Force.**

HB 1930 adds the Commissioner of State Health Services or designee as a member of the Human Trafficking Prevention Task Force. It also expands the duties of the Task Force to include an examination of the association of human trafficking with the operation of sexually-oriented businesses. Effective immediately.

**HB 1983 (Rep. Kolkhorst/Sen. Nelson) Relating to certain childbirths occurring before the 39th week of gestation.**

HB 1983 requires HHSC to achieve cost savings through improved outcomes by implementing evidence-based quality initiatives that are consistent with established standards of care related to reducing the number of elective or non-medically indicated induced deliveries or cesarean sections performed at a hospital for Medicaid recipients before 39 weeks of gestation. Effective September 1, 2011.

**HB 2038 (Rep. Price/Sen. Deuell) Relating to prevention, treatment, and oversight of concussions affecting public school students participating in interscholastic athletics.**

The bill seeks to increase awareness of student athletes, parents, coaches, athletic trainers, and administrators regarding concussions, thereby increasing the safety of student athletes. It requires the governing body of school districts and charter schools with students who participate in an interscholastic athletic activity to appoint or approve a concussion oversight team. That team will establish a return-to-play protocol for student athletes who are believed to have sustained a concussion during a practice or competition. The Advisory Board of Athletic Trainers is required to approve training courses in concussions. It must also maintain a list of individuals and organizations approved by the Board to provide the training. Effective immediately.

**HB 2118 (Rep. Coleman/Sen. Estes) Relating to adding certain synthetic compounds to Penalty Group 2 of the Texas Controlled Substances Act.**

HB 2118 adds substances known as bath salts to Penalty Group 2 of the Texas Controlled Substances Act. Enforcement of the Controlled Substances Act is the responsibility of the Texas Department of Public Safety (DPS), so DSHS is not directly affected. Effective September 1, 2011.

**HB 2229 (Rep. Coleman/Sen. Ellis) Relating to the HIV Medication Advisory Committee.**

HB 2229 enacts a statutory requirement for the HIV Medication Advisory Committee. It requires the Executive Commissioner of HHSC to appoint a committee, and provides guidelines for it to follow. The Executive Commissioner previously created the committee by rule under the authority of prior law. Effective September 1, 2011.

**HB 2312 (Rep. Coleman/Sen. West) Relating to the creation of a sickle cell disease program.**

HB 2312 establishes an Advisory Committee appointed by the Office of the Governor for the sickle cell disease program created by this law. The Advisory Committee, under the direction of a program administrator (who is one of the appointed members), is charged with conducting a needs assessment and advising DSHS regarding the needs of individuals with sickle cell trait and sickle cell disease, including recommendations regarding legislative action and rules. The Advisory Committee will also identify grants and funding mechanisms for entities that provide certain services relating to sickle cell trait and sickle cell disease education, treatment, and prevention. DSHS will assist the Advisory Committee and identify efforts related to the expansion and coordination of education, treatment, and continuity of care programs for persons with sickle cell disease and sickle cell trait. Effective immediately.

**HB 2609 (Rep. Guillen/Sen. Uresti) Relating to employment at or by certain facilities serving the elderly or persons with disabilities.**

HB 2609 adds Penal Code offenses (obstruction or retaliation and cruelty to non-livestock animals) to the list of offenses that preclude employment at a facility (including state hospitals and state supported living centers, or SSLCs) if a person has been convicted of one of them. Effective September 1, 2011.

**HB 2610 (Rep. Guillen/Sen. Deuell) Relating to facilitating access to certain public assistance benefits programs and health care providers and services through a community-based navigator program and through promotoras and community health workers.**

HB 2610 requires DSHS to conduct a study, in coordination with HHSC, to be submitted to the Legislature by December 1, 2012. The study will evaluate the desirability and feasibility of employing promotoras and community health workers to provide publicly and privately funded health services and explore methods for funding and reimbursement.

It will also assess the impact of promotoras and community health workers on increasing the efficiency of, quality of, and access to health care services.

The study must make recommendations to maximize employment of and access to promotoras and community health workers and expand funding of and reimbursement for services provided by them.

HB 2610 also directs DSHS, in conducting the study, to consult with relevant national organizations engaged in development of community health worker policy, the Community Health Worker Advisory Committee, and others. Effective September 1, 2011.

**HB 2636 (Rep. Kolkhorst/Sen. Nelson) Relating to a council to study neonatal intensive care units.**

HB 2636 requires the HHSC Executive Commissioner to create the Neonatal Intensive Care Unit (NICU) Council and appoint members to it. The NICU Council is directed to develop standards for operating these hospital units in Texas and an accreditation process for them to receive Medicaid reimbursement. It will also study and make recommendations for best practices to lower admissions to NICUs. Effective September 1, 2011.

**HB 2703 (Rep. Truitt/Sen. Uresti) Relating to the regulation of orthotists and prosthetists.**

HB 2703 amends the definitions of orthotics and prosthetics to allow an order (prescription) for orthotics and/or prosthetics to be issued by an advance practice nurse or physician assistant with authority delegated by a licensed physician, chiropractor, or podiatrist. Effective September 1, 2011.

**HB 2725 (Rep. Hartnett/Sen. Williams) Related to the determination of incompetency in criminal cases.**

HB 2725 modifies several procedures and requirements related to competency restoration, including shortening the periods allowed for competency restoration while in state hospitals, limiting the number of extensions for restoration, allowing the consideration of additional information in determining the need for or an extension of competency restoration, and encouraging the use of alternate community-based programs when necessary and available. The bill requires DSHS and HHSC to study the feasibility of providing home and community-based services to persons with severe and persistent mental illness who have a history of more than one inpatient commitment for competency restoration. DSHS must submit a report on the results of the feasibility study by



December 1, 2012. This bill contains elements of a DSHS initiative related to recommendations from the Continuity of Care Taskforce. Effective September 1, 2011.

**HB 2904 (Rep. Zerwas/Sen. Zaffirini) Relating to the administration of the Glenda Dawson Donate Life-Texas Registry.**

HB 2904 makes several revisions to the Texas organ donor registry. This legislation also requires DSHS to contract with a nonprofit organization comprised of representatives from each organ procurement organization in Texas to establish and maintain the statewide registry. HB 2904 allows DSHS to require the nonprofit organization to implement a training program for all appropriate DPS and Texas Department of Transportation employees on the benefits of organ, tissue, and eye donation and the procedures for individuals to be added to the statewide Internet-based registry. The legislation establishes criteria to define how the nonprofit organization can and cannot raise funds to support the registry. In addition, the Texas Organ, Tissue, and Eye Donor Council is abolished. The overall legislation is effect on September 1, 2011, but certain provisions are effective on January 1, 2012.

**HB 2940 (Rep. T. King/Sen. Zaffirini) Relating to the form of death certificates and fetal death certificates.**

HB 2940 changes the format for recording the date of death in both the Texas Electronic Registrar system and the fetal death certificate form month, which must be spelled out, followed by day, and then year. DSHS has to complete these changes to the system and the form by January 1, 2012, and a person completing a death certificate will have to comply with the changes by February 1, 2012. Effective immediately.

**HB 3065 (Rep. Sheffield/Sen. Nichols) Relating to the requirement that certain food service establishments post a sign depicting the Heimlich maneuver.**

Prior law required the posting of the Heimlich maneuver in food service establishments. That requirement does not reflect the current guidance for dislodging food. HB 3065 repeals the requirement that the Heimlich maneuver be displayed. Effective immediately.

**HB 3085 (Rep. L. Taylor/Sen. Nelson) Relating to the period of a license for a freestanding medical emergency care facility.**

HB 3085 provides that a facility that is not in continuous operation twenty-four hours per day and seven days per week cannot be issued a license with a term that extends beyond August 31, 2013. It also requires that the license fee be paid on renewal of the license, rather than annually on renewal of the license. The term of a license issued to this kind of facility is changed to two years. Effective September 1, 2011.

**HB 3145 (Rep. Naishtat/Sen. Zaffirini) Relating to the regulation of chemical dependency counselors.**

The bill requires a surcharge of no more than \$10 to the license or license renewal fee to fund approved peer assistance programs for chemical dependency counselors. It removes the requirement that a person must pass an oral examination to be eligible for a chemical dependency counseling license, and modifies criminal history standards to reduce the

maximum waiting period to register as a chemical dependency counselor intern from five to three years. Effective immediately.

**HB 3146 (Rep. Naishtat/Sen. Zaffirini) Relating to consent for treatment for chemical dependency in a treatment facility and required training for the facility's intake personnel.**

HB 3146 authorizes psychologists, social workers, professional counselors, and chemical dependency counselors to explain certain information to a patient before the administration of a therapy, treatment, or medication; prior law specified that only the treating physician can provide this information. The bill requires that minimum standards be established in rule for screening procedures for patient admissions. The bill requires at least two hours of annual in-service training for persons conducting an intake or screening for a treatment facility. Effective on September 1, 2011.

**HB 3278 (Rep. Shelton/Sen. Shapiro) Relating to the membership of the commissioner of education and the Texas Education Agency in certain advisory committees, commissions, task forces, and other similar entities.**

HB 3278 removes the requirement that the Texas Education Agency (TEA) be a part of several committees, including the Drug Demand Reduction Advisory Committee. The TEA may participate if it so chooses. Effective immediately.

**HB 3342 (Rep. Naishtat/Sen. Rodriguez) Relating to representation of and by the state and joinder of the state in certain mental health proceedings.**

HB 3342 clarifies the prevalent practice of representation in these proceedings across the state. It amends the Texas Mental Health Code to expressly codify that the county attorney who represents the state in mental health proceedings is also responsible for representing the state in court-ordered medication proceedings that often arise out of mental health cases. The bill further clarifies that the county attorney represents the state in any habeas corpus proceedings that the patient may bring to contest their commitment. Effective immediately.

**HB 3531 (Rep. Strama/Sen. Nelson) Relating to the provision of certain prescription medications of a foster child.**

The bill requires HHSC to implement a system to monitor the prescribing of psychotropic drugs for children who are in the conservatorship of the Department of Family and Protective Services (DFPS) and enrolled in the STAR Health Medicaid managed care program. The system must include a medical review of certain prescriptions when appropriate. Physicians practicing at Local Mental Health Authorities (LMHAs) or DSHS facilities that contract with STAR Health programs will be required to follow any new HHSC guidelines implemented related to tracking of prescription medications. Effective September 1, 2011.

**HB 3724 (Rep. Guillen/Sen. Zaffirini) Relating to the Chronic Kidney Disease Task Force.**

HB 3724 requires the Chronic Kidney Disease Task Force to create an early detection plan for prevention, early screening, diagnosis, and management of chronic kidney

disease through national, state, and local partners. Using the Kidney Disease Outcomes Quality Initiative Clinical Practice Guidelines for Chronic Kidney Disease, the Task Force must educate health care professionals on the use of clinical practice guidelines for screening, detecting, diagnosing, treating, and managing chronic kidney disease, its comorbidities, and complications. It also requires the Task Force, not later than January 1, 2013, to submit its findings and recommendations to the Office of the Governor, Lieutenant Governor, Speaker; and the Chairs of the Senate Committee on Health and Human Services and the House Committee on Public Health. In addition, HB 3724 changes the date for abolishing the task force from September 1, 2011 to August 31, 2013. Effective September 1, 2011.

**HCR 40 (Rep. Naishtat/Sen. Huffman) Designating the Sunday through Saturday surrounding World Suicide Prevention Day, September 10, each year as Texas Suicide Prevention Week.**

HCR 40 designates the Sunday through Saturday surrounding World Suicide Prevention Day, September 10, each year as Texas Suicide Prevention Week. The ultimate goal of raising awareness is to decrease the number of suicide attempts in Texas, as well as the mortality that results from them. Death by suicide is a preventable public health concern.

**HCR 69 (Rep. Hopson/Sen. Eltife) Directing the Texas Facilities Commission to name the Department of State Health Services Laboratory Services Section building in Austin in honor of former state representative Dr. Bob Glaze.**

HCR 69 names the laboratory building on the main campus for Bob Glaze, M.D., former member of the Texas Board of Health and former member of the Texas Legislature, who served, among other assignments, on the Texas House of Representatives Committee on Public Health and the Appropriations Subcommittee on Health and Human Services.

**SB 27 (Sen. Zaffirini/Rep. Branch) Relating to school district policies for the care of students at risk for anaphylaxis.**

SB 27 requires each school district board of trustees and the governing body or appropriate officer of each open-enrollment charter school to adopt and administer a care policy for students with a diagnosed food allergy at risk for anaphylaxis, no later than August 1, 2012. The policy must be based on guidelines developed by DSHS in consultation with an ad hoc committee appointed by the Commissioner of State Health Services. Not later than December 1, 2011, the Commissioner must determine the committee composition; appoint ad hoc committee members; and, in consultation with the committee, develop guidelines by May 1, 2012. Guidelines can not require a school district or charter school to purchase prescription anaphylaxis medication, such as epinephrine, or make any other expenditure. Effective immediately.

**SB 37 (Sen. Zaffirini/Rep. Naishtat) Relating to the duration of the interagency task force on ensuring appropriate care settings for persons with disabilities.**

SB 37 provides for the continuation of the Promoting Independence Advisory Committee (PIAC) until 2017. The PIAC was established to make recommendations to health and human services agencies on the most appropriate care settings for persons with disabilities. DSHS is a member of the PIAC. Effective immediately.

**SB 41 (Sen. Zaffirini/Rep. Branch) Relating to the use of restraints in state supported living centers.**

The bill disallows the use of mechanical or physical restraint for SSLC residents except when it is necessary to prevent imminent physical injury to the resident or another and if it is the least restrictive alternative to prevent imminent physical injury. The bill prohibits the use of straitjackets for the restraint of a SSLC resident. Effective immediately.

**SB 71 (Sen. Nelson/Rep. Raymond) Relating to certain reports submitted and analyses conducted regarding health and human services.**

SB 71 repeals the requirement to submit various reports that are now obsolete, unnecessary or redundant. Effective September 1, 2011.

**SB 78 (Sen. Nelson/Rep. Laubenberg) Relating to adverse licensing, listing, or registration decisions by certain health and human service agencies.**

SB 78 requires sharing of adverse licensure decisions among health and human services agencies for certain types of facilities. The affected regulatory programs at DSHS are those that license youth day camps, hospitals, special care facilities, chemical dependency treatment centers, and mental health facilities and hospitals.

Adverse decisions include denials of licensure applications and revocations, suspensions and terminations of licenses. The affected agencies are required to maintain a record of adverse decisions for ten years and share monthly reports with other health and human services agencies. Effective September 1, 2011.

**SB 80 (Sen. Nelson/Rep. S. King) Relating to public health laboratories administered by the Department of State Health Services.**

The State Auditor's Office (SAO) issued a report on DSHS' public health laboratories was released in September 2010. SB 80 incorporates those recommendations into statute. The legislation also requires DSHS to submit a report to the Office of the Governor, Lieutenant Governor, the Speaker, and the Legislature on the department's progress not later than Sept. 1, 2012. Effective immediately.

**SB 81 (Sen. Nelson/Rep. Kolkhorst) Relating to food safety.**

The provision of SB 81 that removes an exemption from licensing for warehouses and distributors was a DSHS initiative. SB 81 limits the exemption to those persons who sell at the location of harvest. Licensure of all other persons selling raw fruits and vegetables or offering them for introduction into commerce is required.

Other provisions include food safety best practice education programs for businesses licensed under the chapter. DSHS must approve the education programs. SB 81 also requires DSHS to post the following information on its public internet website: any federal rule adopted as a state rule with a link to the federal regulation and a clear explanation of the purpose of the regulation.

The bill also defines "baked good" and "cottage food production operation." It clarifies that a cottage food production is not a food service establishment. Local health

departments cannot regulate these operations. However, DSHS and each local health department must maintain a record of complaints made against cottage food production operations.

SB 81 allows DSHS or a local health department to issue a temporary food establishment permit to a person selling food at a farmers' market. The permit may be valid for up to one year and renewed upon expiration. The Executive Commissioner of HHSC is authorized to set temperature requirements for food prepared, sold, or distributed on-site at a farmers' market but cannot mandate the specific method for complying with temperature control. Municipalities in which a municipally-owned farmers' market is located may adopt rules specifying the method used to comply with the temperature control requirements. Effective September 1, 2011, except for the repeal of the exemption, which takes effect on September 1, 2012.

**SB 118 (Sen. Uresti/Rep. Menendez) Relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.**

Under prior law, a patient had to have received court-ordered inpatient mental health services for at least 60 consecutive days during the preceding 12 months before a judge can order that individual to receive court-ordered extended outpatient mental health services. SB 118 amends that provision so that the 60 days do not have to be consecutive before a judge can issue this kind of order. For a judge to order the proposed patient to receive extended outpatient services, there must be a finding that the affected individual has received court-ordered outpatient mental health services during the preceding 60 days. Effective September 1, 2011.

**SB 156 (Sen. Huffman/Rep. V. Gonzales) Relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department, including data and confidential patient information concerning bleeding and clotting disorders, and other issues related to bleeding and clotting disorders.**

The provisions of this legislation pertaining to the sharing of data were a DSHS initiative. DSHS houses a unit in the Center for Health Statistics that collects data on procedures from hospitals and ambulatory surgical centers. Once the data is collected, it can be requested by anyone in a de-identified format. Release of identified data must be approved by a scientific review panel, similar to an institutional review board. This program was originally housed at a separate agency, but the legislation that created DSHS did not allow the sharing of that data with other agency programs. As a result, DSHS programs such as the Cancer Registry, the Birth Defects Registry, and Trauma Registry, the Vital Statistics Unit and the Immunizations Registry do not have access that will be of great benefit to the research or records management of those programs. SB 156 allows DSHS programs access to the hospital and ambulatory surgical center data. The bill also authorizes HHSC access to this data, which the Medicaid program will find very useful.

SB 156 was amended to re-create the Bleeding Disorders Advisory Council. The statute for that Advisory Council expired on September 1, 2009.

SB 156 was amended by SB 7 of the First Called Session to repeal existing exemptions from reporting, effective September 1, 2014. Those exemptions applied to certain facilities located in counties with a population of less than 35,000, do not have more than 100 beds, and are not classified as urban by the United State Census. That provision also exempts hospitals that do not seek reimbursement from any source. SB 7 also requires approval from the institutional review board prior to release of data that is not public. Effective September 1, 2011.

**SB 166 (Sen. Shapiro/Rep. Madden) Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program.**

SB 166 transfers the functions related to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment at DSHS to the Office of Violent Sex Offender Management, a new entity created by the bill that will be responsible for providing monitoring and treatment of civilly committed sex offenders. SB 166 specifies that DSHS will provide administrative support to carry out these functions. Effective September 1, 2011.

DSHS Rider 84 in HB 1 transfers functions, assets and associated funds related to the treatment and supervision of civilly committed sex offenders from DSHS to the new agency.

**SB 189 (Sen. Nelson/Rep. Zerwas) Relating to the eligibility of certain aliens for a license to practice medicine in this state.**

SB 189 requires that applicants for a Texas physician's license who are not U.S. citizens or legal permanent residents must have worked or agree to work in a health professional shortage area or medically underserved area for at least three years. DSHS identifies these areas, based on the federal criteria, makes recommendations to the federal government to designate the eligible areas. DSHS' Texas Primary Care office may verify the designation status of intended work locations for physicians applying for a Texas license. This is a similar activity to current designation requests for locations which is used by the Texas Medical Board to expedite application processing. Effective September 1, 2011.

**SB 222 (Sen. Nelson/Rep. Raymond) Relating to access to certain long-term care services and supports under the medical assistance program.**

SB 222 requires the Department of Aging and Disability Services (DADS) to ensure the Mental Retardation Authorities counsel consumers and their legally authorized representative on all programs, services and options, including placements, while a consumer is on a department interest or waiting list. Increased coordination among DADS, DSHS and HHSC will be needed around the exploration and coordination of services for clients who may need in-home services, attendant services, habilitation/supported home living services, services at Intermediate Care Facilities for the Mentally Retarded or nursing services. Effective September 1, 2011.

**SB 229 (Sen. Nelson/Rep. S. King) Relating to birthing facilities required to offer newborn hearing screenings.**

SB 229 removes exemptions for hospitals and birthing centers for reporting newborn hearing screening results and referral information to DSHS. Prior state law limited requirement for hearing screening to counties with population greater than 50,000. Midwives attending the birth of a newborn are not required to offer a hearing screening to newborns but must refer the parents of the newborn to a birthing facility or provider for it. Effective September 1, 2011.

**SB 331 (Sen. Shapiro/Rep. Madden) Relating to adding certain synthetic cannabinoids to Penalty Group 2 of the Texas Controlled Substances Act.**

This legislation adds synthetic marijuana compounds to the Controlled Substances Act. Enforcement of the amendment to the Controlled Substances Act is the responsibility of DPS. Effective September 1, 2011.

**SB 420 (Sen. Deuell/Rep. V. Taylor) Relating to determining eligibility for indigent health care.**

Under prior law, eligibility for the county indigent program was tied to TANF for determining eligibility. SB 420 removes TANF requirements for eligibility determination for sponsored refugee aliens. The intent of the legislation is to state clearly that counties may use different policies when considering income and resources in determining the eligibility of the sponsored aliens. Effective immediately.

**SB 501 (Sen. West/Rep. Marquez) Relating to the establishment of an interagency council for addressing disproportionality.**

SB 501 establishes the Interagency Council for Addressing Disproportionality. The Council is charged with examining the disproportionate involvement of children who are members of a racial or ethnic minority group at each stage in the juvenile justice, child welfare, and mental health systems, examine disproportionate delivery of various education services, and assist HHSC in eliminating health and health access disparities. DSHS will be a member of this committee. Effective immediately.

**SB 510 (Sen. Van de Putte/Rep. Gutierrez) Relating to a voluntary statewide diabetes mellitus registry.**

SB 510 requires DSHS to coordinate with participating public health districts to create and maintain an electronic diabetes mellitus registry to track the glycosylated hemoglobin level of each person who has a laboratory test at a clinical laboratory in the participating district. It applies to public health districts that serve counties with a population of more than 1.5 million and in which more than 75 percent of the residents live in a single municipality. DSHS must also submit a legislative report regarding the effectiveness of the diabetes mellitus registry not later than December 1st of each even-numbered year. In effect, SB 510 provides statutory authority for an on-going diabetes mellitus registry, following completion of the diabetes mellitus registry pilot established through HB 2132 (80th Legislative Session) and HB 1363 (81st Legislative Session). Effective September 1, 2011.

**SB 613 (Sen. Rodriguez/Rep. Alvarado) Relating to educational requirements for licensing as a speech-language pathologist or audiologist.**

The bill requires an applicant for licensing as an audiologist to possess at least a doctoral degree in audiology or a related hearing science from a program accredited by a national accrediting organization that is approved by the State Board of Examiners for Speech-Language Pathology and Audiology and recognized by the United States secretary of education. Effective September 1, 2011.

**SB 652 (Sen. Hegar/Rep. Bonnen) Relating to governmental and certain quasi-governmental entities subject to the sunset review process.**

Previous to the 82<sup>nd</sup> Legislative Session, DSHS had been scheduled to undergo review by the Sunset Advisory Commission during the following interim (calendar years 2011 and 2012). SB 652 moves that review for all health and human services agencies to the interim of the 83rd Legislature, or calendar years 2013 and 2014. Effective immediately.

**SB 662 (Sen. Nichols/Rep. Anchia) Relating to the continuation and functions of the State Board of Examiners for Speech-Language Pathology and Audiology.**

SB 662 continues the State Board of Examiners for Speech-Language Pathology and Audiology within DSHS for six years. It requires adoption of joint rules for hearing instrument sales with the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments. The bill aligns key elements of the Board's licensing and regulatory functions with common licensing standards including criminal history checks. It also updates and applies standard Sunset across-the-board recommendations. Effective September 1, 2011.

**SB 663 (Sen. Nichols/Rep. Anchia) Relating to the continuation and functions of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments.**

SB 663 continues the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments within DSHS for six years. The bill reduces the number of continuing education hours a license holder must complete from 20 hours each year to 20 hours every two years. The bill requires DSHS to review and approve continuing education sponsor and course applications, and transfers certain administrative functions related to continuing education from the Committee to DSHS. The bill requires adoption of joint rules for hearing instrument sales with the State Board of Examiners for Speech-Language Pathology and Audiology. It removes the residency requirement for out-of-state fitter and dispenser applicants and clarifies examination practices. The bill aligns key elements of the Committee's licensing and regulatory functions with common licensing standards including criminal history checks. It also updates and applies standard Sunset across-the-board recommendations. Effective September 1, 2011.

**SB 701 (Rep. Naishtat/Rep. Strama) Relating to high-value data sets of state agencies posted on the Internet.**

This bill requires state agencies to post high-value data sets on a generally accessible agency website if the agency can use existing resources to post the data sets at no cost to the state, if the agency enters into a contract to post the high-value data sets at no



additional cost, or if the agency receives a gift or grant specifically for the purpose of posting one or more high-value data sets. High value data sets include, but are not limited to, data that is critical to the financial and programmatic function of state agencies. Effective September 1, 2011.

**SB 717 (Sen. Harris/Rep. Truitt) Relating to the purpose and duties of the Council on Children and Families.**

DSHS serves as a member of the Council on Children and Families. SB 717 expands the purposes of the Council to include promoting the sharing of information regarding children and their families among state agencies. The bill expands the council's required duties to include the identification of technological methods to ensure the efficient and timely transfer of information among state agencies providing health, education, and human services to children and their families. Effective September 1, 2011.

**SB 736 (Sen. Hinojosa/Rep. Dukes) Relating to membership of local school health advisory councils.**

SB 736 adds a representative from a local domestic violence program to the membership of the local school health advisory councils. The bill expands the role of the school health advisory councils to include recommendations on policies, programs and resources on dating violence, bullying, and sexual harassment. DSHS will coordinate dissemination of information related to this bill with the Texas Education Agency and the DSHS Education Service Center contractors as well as coordinate with HHSC Office on Family Violence. Effective immediately.

**SB 796 (Sen. Nelson/Rep. S. King) Relating to reporting on the prevention and treatment of diabetes in the state.**

SB 796 requires HHSC, in coordination with the Texas Diabetes Council (TDC), to prepare a biennial report that identifies HHSC's priorities for addressing diabetes within the Medicaid population and to submit the report to the Legislature and the Office of the Governor not later than December 1 of each even-numbered year with the initial report by December 1, 2012. It also requires HHSC and TDC to prepare and post on HHSC's public internet website a report for elected officials and other policy makers with estimated annual direct and indirect costs to both the public and private sectors of preventing diabetes and treating diabetic individuals in Texas. In addition, TDC must also conduct a statewide assessment of existing HHSC diabetes prevention and treatment programs in conjunction with the state plan required by existing law. TDC is required to submit a written report containing assessment findings to the Office of the Governor, Lieutenant Governor, and Legislature by November 1 of each odd-numbered year. The initial report is due by November 1, 2013. Effective September 1, 2011.

**SB 867 (Sen. Deuell/Rep. Jackson) Relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.**

SB 867 enacts a requirement that a state agency administering a licensing examination must provide reasonable examination accommodations to an examinee diagnosed as having dyslexia. Effective September 1, 2011.

**SB 898 (Sen. Carona/Rep. Cook) Relating to energy efficiency programs in institutions of higher education and certain governmental entities.**

SB 898 requires political subdivisions, higher education institutions, and state agencies to establish a goal to reduce electric consumption by at least five percent each state fiscal year for ten years beginning September 1, 2011. It requires the State Energy Conservation Office (SECO) to develop and make available a standardized form for the entities to report their efforts and progress in meeting the goals. Any entity that did not attain the required goals will have to include in its report to SECO indication that it had reviewed its available options, determined that no additional measures were cost effective, and implemented all available cost-effective measures. Effective September 1, 2011.

**SB 899 (Sen. Ogden/Rep. Schwertner) Relating to the Legislature's consent or approval of a settlement of a claim or action against this state.**

SB 899 lowers the threshold settlement amount above which legislative approval is required from \$25 million to \$10 million. Effective September 1, 2011.

**SB 901 (Sen. Hegar/Rep. Kolkhorst) Relating to approval from the Department of State Health Services for disposal of ambulances purchased with certain grant funds.**

SB 901 affects grant recipients that purchase an ambulance exclusively using grant funds from DSHS. The bill prohibits the disposal of such an ambulance before the fourth anniversary of purchase without the department's prior approval. Effective September 1, 2011.

**SB 957 (Sen. Birdwell/Rep. C. Anderson) Relating to the clarification of terminology relating to the Waco Center for Youth.**

SB 957 specifies that juveniles are admitted, rather than committed, to the Waco Center for Youth. The change reflects current practice and modifies obsolete language. SB 957 was an initiative of DSHS. Effective immediately.

**SB 969 (Sen. Nelson/Rep. Kolkhorst) Relating to the establishment of the Public Health Funding and Policy Advisory Committee within the Department of State Health Services.**

SB 969 requires the Commissioner of State Health Services to establish the Public Health Funding and Policy Advisory Committee. The Advisory Committee is charged with defining the core public health services a local health entity should provide, evaluating public health in the state and areas that need improvement, identifying funding available to perform these functions, and making recommendations to DSHS on the use and allocation of funding available to local health entities to perform these services and ways to improve the overall public health of the state. Not later than November 30 of each year beginning in 2012, DSHS must file an annual report with the Office of the Governor, Lieutenant Governor and Speaker that details the implementation of the Advisory Committee's recommendations. The report must include justification for not implementing the Advisory Committee's recommendation. It also provides criteria on

which the decision not to implement recommendations must be based. Effective September 1, 2011.

**SB 1065 (Sen. Williams/Rep. Hamilton) Relating to critical incident stress management and crisis response services.**

SB 1065 protects the confidentiality of information disclosed in certain meetings by emergency response personnel. It also seeks to limit the liability to providers of crisis intervention services. DSHS will work with crisis service providers to make them aware of the bill and its implications. DSHS will coordinate with HHSC and other state agencies, such as DADS, DPS and DFPS. Effective September 1, 2011.

**SB 1106 (Sen. Harris/Rep. Madden) Relating to the exchange of confidential information among certain governmental entities concerning certain juveniles.**

The bill amends the Family Code, Education Code, and the Health and Safety code to require certain entities that provide services to multi-system youth, as defined by the bill, to share certain information and records. The bill defines the entities that are required to share information as juvenile service providers and includes juvenile justice agencies, health and human service agencies (not including DSHS), school districts, the Texas Education Agency, and local mental health authorities among others. Effective immediately.

**SB 1107 (Sen. Davis/Rep. C. Howard) Relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.**

Previous law required first-time students at public and private institutions proof of having received a vaccination for bacterial meningitis. SB 1107 expands the type of students who must comply to include those who previously attended such institutions of higher education before January 1, 2012, and who is enrolling in the same or another institution following a break in enrollment of at least one fall or spring semester. It also expands the kind of proof of such immunization that can be provided. This legislation was prompted by the death of a college student from bacterial meningitis and recent release of guidelines from the Advisory Committee on Immunization Practices. Effective immediately.

**SB 1154 (Sen. Uresti/Rep. McClendon) Relating to a task force for the development of a strategy to reduce child abuse and neglect and improve child welfare.**

SB 1154 creates a task force to reduce child abuse and neglect and improve child welfare. It requires the Task Force to gather information concerning child safety, child abuse and neglect, and child welfare throughout the state and create goals for state policy to improve child safety, prevent child abuse and neglect and improve child welfare. It is possible that the task force could incorporate a review of injury prevention initiatives along with specific child maltreatment prevention initiatives. DSHS and six other entities are identified as the support agencies for the Task Force. This could involve Child Fatality Review, Safe Riders and other DSHS programs working in injury prevention. Effective immediately.

**SB 1179 (Sen. Nelson/Rep. Harper-Brown) Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education and other obsolete provisions of law.**

SB 1179 repeals the requirement for a number of reports that have been determined to be obsolete, redundant, or unnecessary. Effective immediately.

**SB 1414 (Sen. Duncan/Rep. Eiland) Relating to sexual abuse and child molestation training for volunteers and employees of certain programs for minors held on campuses of institutions of higher education.**

SB 1414 defines a campus program for minors, and requires that certain employees and volunteers who have contact with campers successfully complete the training and examination program on sexual abuse and child molestation, or provide documentation that they have done so within the preceding two years. The bill requires that program operators submit to the DSHS verification that all employees have complied with these requirements and retain that documentation for two years. Effective September 1, 2011.

**SB 1449 (Sen. Zaffirini/Rep. Raymond) Relating to an alternative method of satisfying certain licensing and program participation requirements for chemical dependency treatment facilities.**

The bill requires DSHS to accept an accreditation review from an accreditation commission for a chemical dependency treatment facility instead of an inspection by DSHS for renewal of a license. Effective September 1, 2011.

**SB 1618 (Sen. Seliger/Rep. Craddick) Relating to reporting requirements of state agencies and school districts.**

SB 1618 requires state agencies to submit all reports required by the Legislature in electronic format. Effective September 1, 2011.

**SB 1638 (Sen. Davis/Rep. Geren) Relating to the exception of certain personal information from required disclosure under the public information law.**

SB 1638 amends the Public Information Act to generally exempt certain information from disclosure. That information includes the emergency contact information of a current or former employee, a motor vehicle record or personal identification information from another state or country, and a copy of an identification badge issued to an official employee of a governmental entity. Effective immediately.

**SB 1733 (Sen. Van de Putte/Rep. Menendez) Relating to the occupational licensing of spouses of members of the military.**

SB 1733 provides alternative licensure procedures for certain military spouses. Effective immediately.

**SB 1796 (Sen. Van de Putte/Rep. S. Miller) Relating to the creation of the Texas Veterans Council.**

SB 1796 establishes the Texas Coordinating Council for Veterans Services to coordinate the activities of state agencies that assist service members and their families, coordinate outreach efforts, and facilitate collaboration among state, federal and local agencies and

private organizations to identify and address issues affecting veterans, service members and their families. The Council will be composed of the executive head or a designated representative of the Texas Veterans Commission, the Veterans' Land Board, the Adjutant General's Department, HHSC, and the State Bar of Texas. The bill authorizes other members to serve on the board if the Council votes to establish various work groups. DSHS would join the Council if it votes to establish a coordinating workgroup on of health or mental health services. Effective September 1, 2011.

**SB 1926 (Sen. Lucio/Rep. Lucio) Relating to the Colonel H. William “Bill” Card, Jr., Outpatient Clinic.**

SB 1926 renames the outpatient clinic operated by the Rio Grande State Center as the Colonel H. William “Bill” Card, Jr., Outpatient Clinic. Effective immediately.

**HB 1 (Rep. Pitts/Sen. Ogden) General Appropriations Bill.**

HB 1 appropriates funding to state agencies for the upcoming biennium of FY 2012 and 2013. In addition, HB 1 contains provisions that give direction to state agencies regarding the expenditure of funds. Many of these provisions are carried over from previous Appropriations Acts. The most significant new provisions are described below: Effective September 1, 2011.

*DSHS Rider 59 Regulatory Programs*

DSHS is directed to evaluate regulatory programs in Goal D, Consumer Protection Services, to determine where new fees can be assessed or existing fees increased to equal or exceed appropriations in HB 1. As part of the evaluation process, DSHS must analyze business operations, administrative processes, and recommendations for increasing efficiencies and decreasing program costs. DSHS is also directed to identify programs for which a reduction in the number of inspections and investigations will have the least impact on public and consumer safety. DSHS will submit the results of the evaluation to the Office of the Governor and the Legislative Budget Board (LBB) for review and work to implement any recommended cost reductions during the interim.

*DSHS Rider 60 Laboratory Fee Schedules*

Based on the SAO report of DSHS Public Health Laboratories, the agency is directed to develop a reasonable cost allocation methodology on which to base its fee schedules for tests that its laboratories conduct, to use this new methodology to update the DSHS laboratories' fee schedules, and, where possible, to increase fees sufficient to cover the costs for laboratory tests. Rider 60 directs DSHS to implement the SAO recommendations by establishing new fee requirements relating to public health laboratories services administered by DSHS. Some of the provisions are similar to those enacted in SB 80.

*DSHS Rider 61 Limitation on Reclassification of General Revenue Associated with Maintenance of Effort (MOE)*

This provision requires DSHS to submit a written request to the LBB and the Office of the Governor in order to receive authority to reclassify DSHS General Revenue associated with MOEs for Community Mental Health Services, Maternal and Child

Health Services and Substance Abuse Treatment and Prevention block grants. DSHS must provide annual federal reports associated with the MOEs for these block grants to the LBB and the Office of the Governor. DSHS may not take action or inaction to increase the state's MOE requirement for any federal grant without prior approval of the Office of the Governor and LBB.

*DSHS Rider 62 Community and State Hospitals Bed Capacity*

This provision requires DSHS to maintain current civil and forensic bed levels by increasing efficiencies, implementing step-down units, reducing reimbursements for acute care, and increasing efforts to better manage lengths of stay.

*DSHS Rider 63 Request for Proposal to Privatize a State Mental Health Hospital*

This provision directs DSHS to develop a request for proposal (RFP) to privatize one state mental health hospital by September 1, 2012. DSHS must prepare a plan to oversee the privatization of the hospital that takes into account feedback from relevant internal and external stakeholders; the plan is due to the Office of the Governor and LBB by November 30, 2011. Implementation of the privatization of a state hospital is contingent upon approval of the final privatization contract by the Office of the Governor and LBB. The contract must generate at least 10 percent savings annually compared to FY11 levels and be for a minimum of four years. Status reports on the implementation of the RFP and privatization process are due on January 31, 2012, April 30, 2012, and July 31, 2013 to the Office of the Governor and LBB.

*DSHS Rider 65 Behavioral Health Data Collection and Reporting*

This provision requires DSHS to improve the measurement, collection and reporting of outcome data for medically indigent and Medicaid clients who receive publicly-funded behavioral health services. A report is due on improvement efforts to the Office of the Governor and LBB by December 1 of each year of the biennium. DSHS must also consult with HHSC to conduct a comparative analysis of publicly-funded behavioral health systems in Texas that serve medically indigent persons and Medicaid clients, and submit a report on the study findings to the Office of the Governor and LBB by December 1, 2012.

*DSHS Rider 66 Food Manufacturers Licensing Report*

Every six months, DSHS must request a list from the Comptroller of Public Accounts of the food manufacturers who apply for a Sales Tax License and/or Franchise Tax License. DSHS must reconcile this report with manufacturers applying for a Food Manufacturers License. DSHS will use this information to investigate the need for licensure of any manufacturer that is on the Comptroller's list but not in the DSHS database.

*DSHS Rider 70 Billing and Collection of Department of Health Public Health Services Fee Account No. 524*

In September 2010, SAO issued a report that addressed problems with and made recommendations relating to the billing, revenue collections, financial recordkeeping, and information security practices at DSHS' three public health laboratories. Separate legislation (SB 80 by Sen. Nelson/Rep. S. King) requires DSHS to implement the SAO

recommendations. Rider 70 requires DSHS, out of funds appropriated, to submit a report to the Office of the Governor, Lieutenant Governor, Speaker of the House of Representatives, and the Legislature on the department's progress under the provisions of SB 80.

*DSHS Rider 71: Study of the State Mental Health System.*

Rider 71 requires DSHS to contract with an independent entity for a study of the state's mental health system and to make recommendations to improve access, service utilization, patient outcomes, and system efficiencies. The study must review current service delivery models for outpatient and inpatient care, the funding levels, financing methodologies, services provided, and community-based alternatives to hospitalization. The review should look to other states for best practices or models that may be successful in Texas. The study must also review and recommend best value practices that the state's public mental health system can implement to maximize the use of federal, state and local funds. DSHS is required to submit the final report to the Legislative Budget Board, the Office of the Governor, Senate Health and Human Services Committee, and House Public Health Committee not later than September 1, 2012.

*DSHS Rider 72 Evaluate Security of Birth Records*

Rider 72 requires DSHS, out of funds appropriated, to establish a work group to evaluate the security of birth records in order to protect Texas residents from identity theft and reduce fraud in vital records. This group is to include representation from the Office of the Governor, Department of Homeland Security, DPS, local registrars, SAO, identity management solutions industry, and other government entities as necessary. The work group is required to evaluate effectiveness and security of Texas' birth record information system. It must also assess the feasibility of restructuring and upgrading the system and birth record documents with advanced technology to prevent fraud and reduce inefficiency. The work group is charged with determining roles and responsibilities of DSHS, local governments, and others in a central issuance birth record information system and identifying ways to leverage private sector investment and user fees to restructure and upgrade the system and its documents without use of General Revenue Funds.

DSHS is required to submit a report of the work group's findings and recommendations to the Office of the Governor, Lieutenant Governor, Speaker of the House of Representatives, and the appropriate standing committees of the Legislature, by September 1, 2012.

*DSHS Rider 80 Texas Center for Infectious Disease Services and Billing*

This provision requires DSHS to seek reimbursement, where it is available, from county governments for tuberculosis services to new indigent patients served at the Texas Center for Infectious Disease.

*DSHS Rider 82 Local Service Area Planning*

DSHS is required to develop performance agreements with Local Mental Health Authorities concerning funds appropriated for mental health services. The agreement

should give regard to priorities identified by the community through a local needs assessment process and expressed in a local service plan. DSHS is granted flexibility to transfer funds between the mental health strategies (community services for adults, community services for children, and crisis services) in the approval of local service plans. The performance agreements must include outcomes established in the General Appropriations Act for programs administered by the local authority and financed with General Revenue Funds. Performance related to outcomes must be verifiable by DSHS. Measures relating to outputs and units of service delivered, which may be included in the performance agreement, must be recorded and submitted in accordance with DSHS requirements.

*DSHS Rider 83 End Stage Renal Disease Prevention Program*

This provision directs DSHS to use \$100,000 in each year of the biennium to fund the End Stage Renal Prevention Program model, Love Your Kidneys. This program must collaborate with the Texas Renal Coalition and the State Chronic Kidney Disease Task Force to educate the medical community and at-risk patients on the importance of early diagnosis and treatment of chronic kidney disease.

*DSHS Rider 84 Contingency for Senate Bill 166: Transfer of the Sex Offender Treatment and Supervision Program*

This rider transfers the functions, staff, and associated funds of the Council on Sex Offender Treatment related to the sex offender civil commitment program from DSHS to the Office of Violent Sex Offender Management, a new agency created by SB 166. SB 166 also stipulates that the Office will be administratively attached to DSHS, which must provide administrative support to carry out these functions.

*Special Provision 17b Additional Cost Containment Initiatives*

This provision reduces appropriations to health and human services agencies in anticipation of savings from certain initiatives. Subsection b names cost containment initiatives from DSHS, all pertaining to the Division of Mental Health and Substance Abuse, including modifications affecting residential units, NorthSTAR billing, and medication issued at the discharge of a patient.

*Special Provision 47 Reporting Requirements for Confirmed Acts of Abuse Committed by Licensed Professionals Employed by the State*

This provision requires DADS, DSHS, and DFPS to each submit a report to the Office of the Governor and LBB by May 15, 2012, that identifies gaps in agency processes and policies, corrective actions, and efforts taken to ensure interagency coordination for reporting all licensed professionals who have committed confirmed acts of abuse, neglect, or exploitation while employed as a state employee. The elements of the report are further specified in the provision.

*Special Provision 48 Evaluate and Report on Case Management Services*

This provision directs the Health and Human Service Commission to coordinate an evaluation of targeted case management services delivered in the Medicaid program and other programs that provide case management services across all health and human



service agencies. The commission is directed to identify the number of programs with case management and evaluate the method of delivery through state employees or contractors and the impact of case management services to clients. The evaluation may recommend improvements or changes in services and programs to streamline case management services. HHSC must submit findings to the Office of the Governor and the LBB by December 1, 2012. This provision could affect case management services in the Division of Family and Community Services.

The Division for Family and Community Health Services provides case management services in Newborn Screening, Children and Pregnant Women, and Children with Special Health Care Needs. Case management is required for contractors in the Epilepsy and Breast and Cervical Cancer programs (the latter only for clients with abnormal screening results), and it is a reimbursable service under Primary Health Care. Title V contractors provided limited case management services for certain populations.

*Special Provision 49(b) Maintenance of Certain Program Service Levels*

The Executive Commissioner is required to notify the Office of the Governor and LBB of any shortfalls in appropriations for specified programs, including the state hospitals, submit options that may be considered to reduce or eliminate projected funding shortfalls, and assess the impact that each option will have on enrollments, service or staffing levels, projected payments or federal funding.

*Special Provision 50 Health and Safety Cost Savings at DSHS*

This provision directs certain funds from the General Revenue Match for Medicaid to DSHS initiatives designed and proposed to improve health outcomes for Texans. Those initiatives are:

- Preventable Adverse Events data reporting;
- Targeted interventions to help prevent Healthcare-Associated Infections (HAI);
- Quality Assurance Teams to help reduce HAI;
- Initiatives to improve the health of Texas babies; and
- Grants to help reduce the incidence of preventable hospitalizations.

*Special Provision 55 Funding for HIV Medications*

This provision allows the HHSC Executive Commissioner to request to transfer up to \$19,200,000 from General Revenue appropriations to HHSC for Medicaid to HIV/STD Prevention in the amount necessary to maintain funding for HIV medications in the FY 2012-2013 biennium. This can only occur if it is determined that funding in the budget strategy for HIV/STD Prevention at DSHS is insufficient to cover the costs associated with the purchase of HIV medications. The HHSC Executive Commissioner must make this request in writing to the Office of the Governor and the LBB and provide a copy to the Comptroller of Public Accounts. This request is not approved unless the Office of the Governor and LBB issue written approvals within 30 days of the date the LBB's staff review is completed and forwarded to the Lieutenant Governor, Speaker of the House of Representatives, and Chairs of the House Appropriations Committee and Senate Finance Committee.