

Chapter 502

H.B. No. 2848

AN ACT

relating to consultations with contracted physician networks and physician systems during certain investigations of child abuse and neglect.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3017 to read as follows:

Sec. 261.3017. CONSULTATION WITH PHYSICIAN NETWORKS AND SYSTEMS REGARDING CERTAIN MEDICAL CONDITIONS. (a) In this section:

(1) "Network" means the Forensic Assessment Center Network.

(2) "System" means the entities that receive grants under the Texas Medical Child Abuse Resources and Education System (MEDCARES) authorized by Chapter 1001, Health and Safety Code.

(b) Any agreement between the department and the network or between the Department of State Health Services and the system to provide assistance in connection with abuse and neglect investigations conducted by the department must require the network and the system to have the ability to obtain consultations with physicians, including radiologists, geneticists, and endocrinologists, who specialize in identifying unique health conditions, including:

(1) rickets;

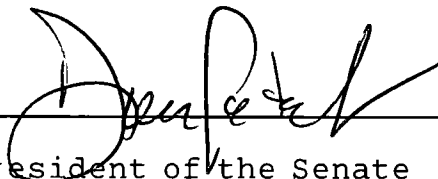
1           (2) Ehlers-Danlos Syndrome;  
2           (3) osteogenesis imperfecta;  
3           (4) vitamin D deficiency; and  
4           (5) other similar metabolic bone diseases or  
5 connective tissue disorders.

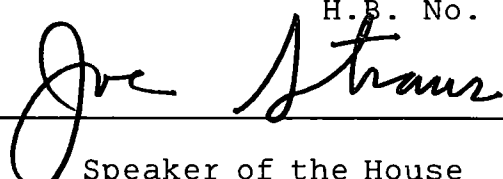
6           (c) If, during an abuse or neglect investigation or an  
7 assessment provided under Subsection (b), the department or a  
8 physician in the network determines that a child requires a  
9 specialty consultation with a physician, the department or the  
10 physician shall refer the child's case to the system for the  
11 consultation, if the system has available capacity to take the  
12 child's case.

13           (d) In providing assessments to the department as provided  
14 by Subsection (b), the network and the system must use a blind peer  
15 review process to resolve cases where physicians in the network or  
16 system disagree in the assessment of the causes of a child's  
17 injuries or in the presence of a condition listed under Subsection  
18 (b).

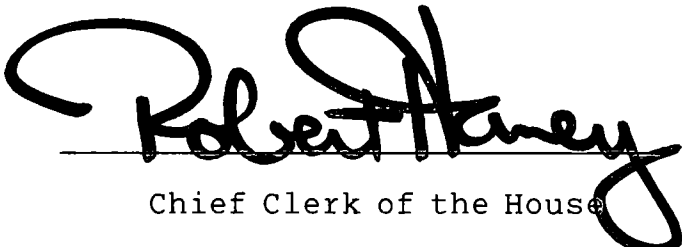
19           SECTION 2. The changes in law made by this Act apply only to  
20 an agreement entered into or renewed on or after the effective date  
21 of this Act.

22           SECTION 3. This Act takes effect September 1, 2017.

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2848 was passed by the House on May 2, 2017, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2848 on May 24, 2017, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 2848 was passed by the Senate, with amendments, on May 22, 2017, by the following vote: Yeas 30, Nays 0.


  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: 6 - 7 - 2017

Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
7:00 PM O'CLOCK

JUN 09 2017  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 22, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2848** by Burkett (Relating to consultations with contracted physician networks and physician systems during certain investigations of child abuse and neglect. ), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code relating to consultations with contracted physician networks and physician systems during certain investigation of child abuse and neglect. This analysis assumes that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, KCA, EP, JLi, SD, FR

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**May 17, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2848** by Burkett (Relating to consultations with contracted physician networks and physician systems during certain investigations of child abuse and neglect.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

This Act takes effect only if a specific appropriation for implementation is provided in a general appropriations act of the 85th Legislature.

The bill would amend the Family Code relating to consultations with contracted physician networks and physician systems during certain investigation of child abuse and neglect. This analysis assumes that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017, only if a specific appropriation for implementation is provided in a general appropriation act of the 85th Legislature.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, KCA, EP, JLi, SD, FR

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 17, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2848** by Burkett (Relating to consultations with contracted physician networks and physician systems during certain investigations of child abuse and neglect.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2848, Committee Report 2nd House, Substituted: a negative impact of (\$448,292) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

This Act takes effect only if a specific appropriation for implementation is provided in a general appropriations act of the 85th Legislature.

**General Revenue-Related Funds, Five-Year Impact:**

| Fiscal Year | Probable Net Positive/(Negative) Impact<br>to General Revenue Related Funds |
|-------------|---|
| 2018        | (\$224,146)   |
| 2019        | (\$224,146)   |
| 2020        | (\$224,146)   |
| 2021        | (\$224,146)   |
| 2022        | (\$224,146)   |

**All Funds, Five-Year Impact:**

| Fiscal Year | Probable Savings/(Cost) from<br><i>General Revenue Fund</i><br>1 | Probable Savings/(Cost) from<br><i>Federal Funds</i><br>555 |
|-------------|--|---|
| 2018        | (\$224,146)  | (\$25,854)  |
| 2019        | (\$224,146)  | (\$25,854)  |
| 2020        | (\$224,146)  | (\$25,854)  |
| 2021        | (\$224,146)  | (\$25,854)  |
| 2022        | (\$224,146)  | (\$25,854)  |

## **Fiscal Analysis**

The bill would amend the Family Code to require the Department of Family and Protective Service (DFPS) to consult with contracted physician networks and physician systems during certain investigations of child abuse and neglect.

The bill would require any agreement between DFPS and the Forensic Assessment Center Network (FACN) or any Texas Medical Child Abuse Resources and Education System grantee to require the member physicians to provide assistance in abuse or neglect investigations conducted by DFPS to assist in identifying certain unique health conditions, and would require use of a peer review process to resolve cases in which the physicians disagree in the assessment of the causes of the child's injuries.

The bill would require DFPS to establish these agreements only if the department receives an appropriation for that purpose.

The bill would take effect September 1, 2017, only if a specific appropriation for implementation is provided in a general appropriation act of the 85th Legislature.

## **Methodology**

According to DFPS, the agency could meet the provisions of the bill by expanding their existing contract with FACN. The agency estimates that, in each fiscal year, it would cost \$200,000 in All Funds to provide the required specialty consultations, and \$50,000 in All Funds to expand the peer review process.

The bill is estimated to result in a net cost of \$250,000 in All Funds in each fiscal year.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, KCA, EP, JLi, FR

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 12, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2848** by Burkett (Relating to consultations with contracted physician networks and physician systems during certain investigations of child abuse and neglect.), As Engrossed

**Estimated Two-year Net Impact to General Revenue Related Funds for HB2848, As Engrossed:** a negative impact of (\$448,292) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|--|
| 2018        | (\$224,146)  |
| 2019        | (\$224,146)  |
| 2020        | (\$224,146)  |
| 2021        | (\$224,146)  |
| 2022        | (\$224,146)  |

**All Funds, Five-Year Impact:**

| Fiscal Year | Probable Savings/(Cost) from<br><i>General Revenue Fund</i><br>1 | Probable Savings/(Cost) from<br><i>Federal Funds</i><br>555 |
|-------------|--|---|
| 2018        | (\$224,146)  | (\$25,854)  |
| 2019        | (\$224,146)  | (\$25,854)  |
| 2020        | (\$224,146)  | (\$25,854)  |
| 2021        | (\$224,146)  | (\$25,854)  |
| 2022        | (\$224,146)  | (\$25,854)  |

**Fiscal Analysis**

The bill would amend the Family Code to require the Department of Family and Protective Service (DFPS) to consult with contracted physician networks and physician systems during certain investigations of child abuse and neglect.



The bill would require any agreement between DFPS and the Forensic Assessment Center Network (FACN) or any Texas Medical Child Abuse Resources and Education System grantee to require the member physicians to provide assistance in abuse or neglect investigations conducted by DFPS to assist in identifying certain unique health conditions, and would require use of a peer review process to resolve cases in which the physicians disagree in the assessment of the causes of the child's injuries.

The bill would require DFPS to establish these agreements only if the department receives an appropriation for that purpose.

The bill would take effect September 1, 2017.

### **Methodology**

According to DFPS, the agency could meet the provisions of the bill by expanding their existing contract with FACN. The agency estimates that, in each fiscal year, it would cost \$200,000 in All Funds to provide the required specialty consultations, and \$50,000 in All Funds to expand the peer review process.

The bill is estimated to result in a net cost of \$250,000 in All Funds in each fiscal year.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, KCA, EP, JLi, FR

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 19, 2017**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2848** by Burkett (Relating to consultations with contracted physician networks and physician systems during certain investigations of child abuse and neglect.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2848, Committee Report 1st House, Substituted: a negative impact of (\$448,292) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|--|
| 2018        | (\$224,146)  |
| 2019        | (\$224,146)  |
| 2020        | (\$224,146)  |
| 2021        | (\$224,146)  |
| 2022        | (\$224,146)  |

**All Funds, Five-Year Impact:**

| Fiscal Year | Probable Savings/(Cost) from<br><i>General Revenue Fund</i><br>1 | Probable Savings/(Cost) from<br><i>Federal Funds</i><br>555 |
|-------------|--|---|
| 2018        | (\$224,146)  | (\$25,854)  |
| 2019        | (\$224,146)  | (\$25,854)  |
| 2020        | (\$224,146)  | (\$25,854)  |
| 2021        | (\$224,146)  | (\$25,854)  |
| 2022        | (\$224,146)  | (\$25,854)  |

**Fiscal Analysis**

The bill would amend the Family Code to require the Department of Family and Protective Service

(DFPS) to consult with contracted physician networks and physician systems during certain investigations of child abuse and neglect.

The bill would require any agreement between DFPS and the Forensic Assessment Center Network (FACN) or any Texas Medical Child Abuse Resources and Education System grantee to require the member physicians to provide assistance in abuse or neglect investigations conducted by DFPS to assist in identifying certain unique health conditions, and would require use of a peer review process to resolve cases in which the physicians disagree in the assessment of the causes of the child's injuries.

The bill would require DFPS to establish these agreements only if the department receives an appropriation for that purpose.

The bill would take effect September 1, 2017.

### **Methodology**

According to DFPS, the agency could meet the provisions of the bill by expanding their existing contract with FACN. The agency estimates that, in each fiscal year, it would cost \$200,000 in All Funds to provide the required specialty consultations, and \$50,000 in All Funds to expand the peer review process.

The bill is estimated to result in a net cost of \$250,000 in All Funds in each fiscal year.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of  
**LBB Staff:** UP, FR, EP, JLi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 4, 2017**

**TO:** Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2848** by Burkett (Relating to requiring the Department of Family and Protective Services to create a physician multidisciplinary team to assist in certain investigations of child abuse and neglect.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2848, As Introduced: a negative impact of (\$3,503,977) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

| Fiscal Year | Probable Net Positive/(Negative) Impact<br>to General Revenue Related Funds |
|-------------|---|
| 2018        | (\$1,773,002)   |
| 2019        | (\$1,730,975)   |
| 2020        | (\$1,730,975)   |
| 2021        | (\$1,730,975)   |
| 2022        | (\$1,730,975)   |

**All Funds, Five-Year Impact:**

| Fiscal Year | Probable Savings/(Cost)<br>from<br><i>General Revenue Fund</i><br>1 | Probable Savings/(Cost)<br>from<br><i>Federal Funds</i><br>555 | Change in Number of State<br>Employees from FY 2017 |
|-------------|---|--|---|
| 2018        | (\$1,773,002)   | (\$197,000)  | 6.0   |
| 2019        | (\$1,730,975)   | (\$192,331)  | 6.0   |
| 2020        | (\$1,730,975)   | (\$192,331)  | 6.0   |
| 2021        | (\$1,730,975)   | (\$192,331)  | 6.0   |
| 2022        | (\$1,730,975)   | (\$192,331)  | 6.0   |

**Fiscal Analysis**

The bill would amend the Family Code to require the Department of Family and Protective Service

(DFPS) to create a physician multidisciplinary team to assist in certain investigations of child abuse and neglect.

The bill would also require DFPS to train members of the multidisciplinary team to identify certain physical symptoms of abuse and neglect.

The bill would take effect September 1, 2017.

### **Methodology**

According to DFPS, the agency would require 6.0 full-time equivalent (FTE) positions in order to implement the provisions of this bill. This includes one radiologist at an estimated annual salary of \$275,000, one geneticist and one endocrinologist at an estimated annual salary of \$200,000, and three pediatricians at an estimated annual salary of \$175,000. Each additional FTE would cost approximately \$120,500 per fiscal year for related benefits and expenses, and approximately \$7,750 in fiscal year 2018 for one-time set up costs.

The bill is estimated to result in a net cost of \$2.0 million in All Funds in fiscal year 2018, and \$1.9 million in All Funds each subsequent fiscal year.

### **Technology**

The annual technology impact is approximately \$6,500 per FTE each fiscal year for related computer and data center services expenses.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

**LBB Staff:** UP, FR, EP, JLi