



BORRIS L. MILES

STATE SENATOR • DISTRICT 13

COMMITTEES: CRIMINAL JUSTICE • HEALTH & HUMAN SERVICES • NATURAL RESOURCES & ECONOMIC DEVELOPMENT • NOMINATIONS

March 3, 2022

Lt. Governor Dan Patrick
The Texas Senate
PO Box 12068
Austin, Texas 78711

Dear Governor Patrick,

Thank you for requesting interim charge recommendations from the Senators. I appreciate your consideration of my recommended charges for the Senate to study during the interim and report to the legislature. I appreciate your leadership in addressing the needs of my constituents and the people of Texas.

I respectfully request you direct the Senate to study the following interim charges:

Senate Committee on Health and Human Services:

Texas Medicaid Funding/Local Provider Participation Funds. Make recommendations for how Texas should address federal decisions that may impact the delivery and financial stability of the state's health programs, in particular the use of Local Provider Participation Funds and Intergovernmental Transfers for the non-federal share of Medicaid costs.

Medicaid Managed Care Compensation for Social Supports. Develop recommendations to allow compensation for Medicaid managed care plans and network providers to address non-medical and social factors that impact health care outcomes. This could include compensation for public health services, transportation to grocery stores, case management to find stable child care and employment, and other nonclinical services.

Medicaid/CHIP Access. Evaluate the state's plan and make recommendations to reduce Medicaid dis-enrollments of eligible beneficiaries when the COVID-19 Public Health Emergency ends to ensure that everyone eligible for Medicaid remains enrolled. Make recommendations to ensure that eligible postpartum mothers transition from Medicaid to Healthy Texas Women. Develop recommendations to improve outreach to families with kids who are eligible for Medicaid or CHIP but are unenrolled.

Public Health Department Funding. Study the impact of the loss of DSRIP funding to public health departments and make recommendations to maximize Medicaid funding for public health departments.

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Children Without Placement. Propose legislation, funding, and state agency action to ensure adequate and proper care of foster children with kin, in family-like settings, or in high-quality facilities consistent with the Family First Prevention Services Act, in order to eliminate the Children Without Placement crisis. Examine the relationships between DFPS and child placement agencies to address the foster care capacity issue.

CPS Lawsuit/Heightened Monitoring. Study and make recommendations to address the issues surrounding the federal lawsuit, state agencies, child placement agencies and Heightened Monitoring to ensure no unnecessary loss of foster care capacity.

Diversion from CPS. Study and make recommendations to improve the ability to connect families to existing state and community resources to divert families from CPS when possible. Consider initiatives that can support an adoption process from the termination of parental rights to consummation of adoption in order to maintain a stable home for children.

Improving Kinship Care. Recommend improvements to the kinship care programs and supports available to kinship caregivers in Texas. Monitor the implementation of the provisional licensure for kinship care and make recommendations on expanding use of the program to increase access to kinship care providers. Study creating a Texas Kinship Care Subsidy program as part of TANF, modeled on Louisiana's program, to provide cash assistance for children being raised by a qualified relative other than a parent.

Community-Based Mental Health for Children. Make recommendations to increase access to intensive community-based mental health services to help divert youth from institutional settings like hospitalization, residential treatment or juvenile justice facilities.

Telemedicine. Make recommendations on maintaining and expanding current telemedicine laws for physical and mental health care. Develop recommendations to increase access to telemedicine for physicians and other providers that care for women during the perinatal care period and for primary care physicians and specialists caring for adults suffering from mental illness. Make recommendations on expanding the use of "hospital at home," and study the use of telehealth services for foster care and family services.

Medicaid Reimbursement for Mental Health Care in Facilities. Study and make recommendations for how the state could seek an exemption to the Medicaid exclusion prohibition on paying for mental health treatment delivered in a psychiatric hospital or a larger residential treatment facility.

Study effects of COVID-19 on Health Care in Texas and Post-COVID Long-Term Effects. Evaluate and report on the impact of COVID-19 on the state's primary care system and how any erosion of services could affect health care costs, especially within state-funded programs. Study the impact of long-COVID on the state's health care delivery system, access to care, patient health outcomes, and health disparities.

Health Equity. Examine opportunities to adequately fund and establish state agency offices that support health equity such as the Office of Minority and Health Statistics and Office for the Elimination of Health Disparities. Study and report on racial disparities in the foster care system.

Racial Disparity in Maternal Mortality. Make recommendations on how to implement the Alliance for Innovation on Maternal Health's (AIM) Safety Bundle on the Reduction of Peripartum Racial Disparities. By implementing the AIM Safety Bundles, states have consistently reduced maternal mortality.

Sickle Cell Disease. Review opportunities to improve identification, care coordination and treatment of individuals with Sickle Cell Disease (SCD). Identify potential means to improve access to care, including early identification of adolescents with SCD and maintaining continuity of care into adulthood.

Referrals to Group Homes. Review and make recommendations surrounding the discharge of patients from health care facilities to licensed and unlicensed group homes taking into account patient safety and affordability.

Historically Underutilized Businesses. Study and review the utilization of HUBs by the Health and Human Services Commission and its constituent agencies. Make recommendations to increase HUB contracting with these agencies.

Joint Charges for Senate Committee on Higher Education and Senate Committee on Health and Human Services

Physician Education Loan Repayment Program (PELRP). Update the Senate on the status of the PELRP and its funding, and make recommendations to increase access to physicians in underserved areas of Texas.

Address Healthcare Professional Shortages. Review and make recommendations on how Texas can expand its capacity and graduate qualified applicants from all the state's nursing programs, programs for licensed practitioners of the healing arts, and psychiatric technicians program. Consider initiatives on recruiting and retaining qualified instructors for all such programs. Furthermore, update the Senate on the status of the Nursing Shortage Reduction Program and its funding, and make recommendations to improve the program, particularly on the marketing of the program.

Senate Committee on Higher Education

Tuition Revenue Bonds and Capital Assistance Projects. Study the feasibility of including student housing as a permissible expenditure of Tuition Revenue Bonds and Capital Assistance Projects. Determine whether some institutions may be served by increased flexibility in the use of these funds, and which potential new uses of the funds, like student housing, may be beneficial to such institutions.

Permanent University Fund. Study expanding access to the Permanent University Fund to all state systems and public universities.

Elevate Texas Southern University's Carnegie Classification to R1. Determine what is required to elevate Texas Southern University's Basic Classification by the Carnegie Commission on Higher Education from R2, to the highest classification, R1. As the legislature has supported other

institutions to increase their classification, the Senate Committee on Higher Education should study the feasibility of Texas Southern University becoming the first R1 HBCU in the country.

Free Speech. Study policies and procedures to ensure free speech, student safety, and peace on campuses, including mechanisms for students to reject speakers invited by administrators.

Governor's University Research Initiative. Study the history and funding of the Governor's University Research Initiative (GURI). Provide an update on the faculty recruitments that have been successful with the assistance of the program, including an update on those faculty who remain in Texas. Of the faculty remaining in Texas, study their contributions to their fields of study since coming to Texas, including number of publications in peer-reviewed journals and number and value (in dollars) of federal and private grant funding GURI scholars have received. If possible, study and report on the number of students (graduate and postdoctoral) produced from GURI scholars' labs in Texas.

Brain Research. Examine the resources and research of the state's higher education institutions into the causes and cures for degenerative and debilitating brain and nervous conditions and the projected trends in costs to the state for the treatment of those conditions over the next decade. Explore the creation of a Brain Institute of Texas—modeled loosely after the successful efforts of the Cancer Prevention and Research Institute of Texas—and such an institute's potential to provide a return on investment to the state through improved patient outcomes, quality and length of life for its citizens and increased economic activity statewide.

Senate Committee on Education

The Pandemic and Student Attendance. Study the impact of the pandemic on student attendance and its effect on school funding, particularly in large urban districts. Recommend legislation to help districts find and re-enroll students.

Equitable Funding. Study and make recommendations regarding the effects of House Bill 3 (86R). Examine the average per-pupil spending increase, the average increase in teacher compensation across school districts, and any increases in pre-kindergarten spending. Examine the preliminary impact of recapture payments among Chapter 41 school districts.

Chronic Absenteeism. Examine the impact of chronic absenteeism on student outcomes. Study opportunities and successful strategies to reduce chronic absenteeism. Examine the impact of learning loss resulting from the pandemic and recommend replicable strategies that support accelerated learning.

School Discipline. Examine disproportionalities in school disciplinary measures, including measures that result in juvenile justice system involvement. Study data for discretionary punishments and report disaggregated data.

Charter School Funding. Study state funding to charter schools since their creation by the legislature. Compare public and charter school funding over time and report on the academic results of charter schools compared to equivalent public schools.

Senate Committee on Criminal Justice

Intellectual Disability Determinations in Capital Cases. Perform a comprehensive analysis and review of the procedures used to determine intellectual disability in capital cases. Analyze the costs and benefits of different procedures to determine intellectual disability in capital cases, and suggest best practices for such.

Healthcare in the Texas Department of Criminal Justice. Study and evaluate the standard and level of health care provided to incarcerated Texans. Audit specific cases to determine whether the standard of care provided by TDCJ is reasonable.

Simplify Sealing and Nondisclosure of Criminal Records. Review the criminal offenses statutorily eligible for orders of sealing or nondisclosure by courts, and determine whether other additional offenses should be eligible that would not threaten public safety. Study the requirements and processes to obtain orders sealing criminal records or orders of nondisclosure of criminal records and suggest efficiencies to eliminate red tape.

Age of Criminal Responsibility. Study the cost and requirements of raising the age of adult criminal responsibility from seventeen years of age to eighteen years of age.

Law of Parties. Study the potential implementation of House Bill 1340, passed by the House 135 to 6 last session, which would have ended the death penalty for felony accomplices who neither killed nor intended that a killing take place and were minor participants in the conduct that led to the death of the victim.

Second Look. Texas has the harshest parole eligibility guidelines for juvenile offenders in the nation, though young people are likely to be rehabilitated long before their current parole eligibility date. Study and make recommendations on whether Texas should lower the time to parole eligibility for juvenile offenders to save taxpayer dollars while continuing to protect public safety from violent offenders.

Senate Committee on Natural Resources and Economic Development

Local Approval of Certain TCEQ Permits. Study the feasibility of requiring the approval of the county or municipality where a TCEQ permit holder intends to operate.

Adequate Notice to Homeowners. Study the distance requirements for notice to homeowners by the applicants to the Texas Commission on Environmental Quality, and the processes and procedures by which such notice is proved. Make recommendations on how to improve notice such as providing notice to Homeowners' Associations or other groups.

Concrete Plant Permitting. Study whether current setback or distance requirements for concrete crushing and concrete batching equipment are adequate, and whether parks and outdoor sporting facilities should be protected by distance requirements like schools, places of worships, and residences.

Applicant Specific Restrictions. Study and review the availability and advisability of permit-specific enforceable restrictions by agreement between the State, local communities, and TCEQ permit holders.

Senate Committee on State Affairs

Online Voter Registration. Study and review the advisability, viability, and practicality of online voter registration, and make recommendations on such to the Senate.

Senate Bill 1. Study the effects of Senate Bill 1 and other election laws passed by the 87th Legislature on voter registration, turnout, and participation by mail. Make recommendations to address voting issues surrounding the changes made to voting by mail.

Expenditure of Disaster Recovery Funds. Study the states' use of disaster recovery funds from the federal government, particularly, COVID relief funds. Study the Texas Rent Relief Program to recommend to the legislature any needed laws to improve state agencies' distribution of funds under emergency circumstances.

Homeowners Assistance. Study the General Land Office's Homeowners' Assistance Program rebuild of homes after Hurricane Harvey. Determine where funds were deployed and to what age groups and demographics. Compare awards to homeowners by race, age, and geographic location.

Constitutional Carry. Study law enforcement interactions and incidents with armed Texans since the passage of open carry legislation. Report to the legislature on such and make recommendations on necessary legislation to protect peace officers and the general public.

Senate Committee on Business and Commerce

Historically Underutilized Businesses. Review the course material used by agencies which certify Historically Underutilized Businesses to ensure that HUBs understand how prime contractors report to state agencies on the work done by HUBs. Make recommendations on any necessary updates.

Winter Storm Uri. Report on the status of legal claims against the Public Utility Commission and the Electric Reliability Council of Texas, and study and make recommendations on how to prevent the cost of weather events being passed on to Texans.

Broadband Access. Study whether the state should partner with counties and municipalities to implement broadband related funding through the Infrastructure Investment and Jobs Act, and review implementation of House Bill 5, 87(R), and make recommendations to the legislature on continued increased access to broadband.

Neighborhood Safety and Crime Prevention. Study patterns of violent crime around nightclubs and bars. As part of the study include reviewing state laws that allow for TABC permits and other state permits to be grandfathered at a location that would not be eligible as an original application due to a sensitive land use moving within prescribed distances after the initial permit/license was issued. Identify ways to decrease crime around nightclubs and bars that the state can assist in

relation to their permits such as alcohol permits. Identify potential tools that are available from the state to assist cities with the overall crime around this specific type of establishment.

Senate Chamber Review Committee

Reappoint the Senate Chamber Review Committee to conclude its business and make recommendations to the legislature on the artwork in the Senate Chamber.

Again, thank you for your leadership and your commitment to improving the health and well-being of Texans.

Keep the Faith, Keep the Fight,

A handwritten signature in black ink, appearing to be 'Borris L. Miles', with a stylized 'B' and a long horizontal stroke extending to the right.

Borris L. Miles
Senator, District 13