

XI. ADDITIONAL INFORMATION

A. Texas Government Code, Sec. 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was in place. If the list is longer than one page, please include it as an attachment.

The Department of State Health Services (DSHS) has over 75 reports required by statute, including 38 budget and financial reports. See Attachment 21 for a complete list of all reports.

B. Has the agency implemented statutory requirements to ensure the use of “first person respectful language”? Please explain and include any statutory provisions that prohibits these changes.

Section 531.0227, Texas Government Code, requires the Health and Human Services (HHS) Executive Commissioner to ensure that the Health and Human Services Commission (HHSC) and the HHS System agencies “use the terms and phrases listed as preferred under the person first respectful language initiative in Chapter 392 [of the Government Code] when proposing, adopting, or amending the commission’s or agency’s rules, reference materials, publications, and electronic media.” Section 531.0227 was effective September 1, 2011.

This statutory directive has been implemented at DSHS through the Executive Commissioner’s instructions to HHSC and the HHS System agencies and through specific DSHS’ program initiatives. Specific examples include the following.

Guidance Memorandum

The Executive Commissioner issued HHS Guidance Memorandum GM-12-002, *Person First Respectful Language in Communications*, in December 2011. In it, the Executive Commissioner directs each agency to use appropriate person first terms and phrases when proposing, adopting, or amending agency rules, reference materials, publications, and electronic media. Executive management at HHSC and the HHS System agencies was notified directly of GM-12-002. In addition, the release of GM-12-002 was featured in *The Connection*, the HHS System newsletter available to staff at HHSC and the HHS System agencies. GM-12-002 was last updated in January 2013.

Communications to Staff

The Connection highlighted the legislation underlying section 531.0227 – House Bill 1481, 82nd Legislature, Regular Session, 2011 – and noted efforts of DADS and other agencies to encourage person first respectful language. A second article noted the passage of H.B. 1481 and the new requirements for HHSC and the HHS System agencies.

Rule Review

As DSHS develops new rules or proposes to amend existing rules, the originating program and legal staff review to ensure the use of preferred terms and compliance with H.B. 1481.

HHS Style Guide

DSHS uses the HHS Style Guide for official communication documents. HHSC's Communications staff updated the *HHS Style Guide for Consumer Materials* to include instructions on the use of person first respectful language. The style guide is intended to ensure consistency in the materials written for consumers of HHS services by the agency or contractors providing those services.

DSHS Program Initiatives

Examples of DSHS program activities to implement H.B. 1481 include the following.

- The Family and Community Health Services (FCHS) Division, Specialized Health Services Section added an activity to the Federal Title V fiscal year 2013 grant application activity plan, which states: Promote use of "People-First" language and appropriate languages, literacy levels, and cultural approaches in all communications regarding Children and Youth with Special Health Care Needs families.
- The FCHS Division, Children with Special Health Care Needs Services Program staff as well as community-based contractors have given presentations on this subject.
- The Regulatory Services Division revised Title 25, Texas Administrative Code, Chapter 133, Hospital Licensing, to include the preferred terms for persons with intellectual disabilities.
- The Mental Health and Substance Abuse Services Division sent out a broadcast message to all local mental health authorizes and numerous stakeholder groups regarding implementation of the person first respectful language requirement. Since then, all new and amended rules reflect the person first respectful language.

DSHS has not encountered any statutory prohibition on using person first respectful language.

C. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.

Department of State Health Services Exhibit 15: Complaints Against the Agency — Fiscal Years 2011 and 2012		
	FY 2011	FY 2012
Number of complaints received*	1,304	1,168
Number of complaints resolved*	1,329	1,178
Number of complaints dropped/found to be without merit **	See note below	See note below

Department of State Health Services Exhibit 15: Complaints Against the Agency — Fiscal Years 2011 and 2012		
	FY 2011	FY 2012
Number of complaints pending from prior years	25	22
Average time period for resolution of a complaint	3 days	7 days

*Number of complaints received and resolved: These numbers do not include the universe of complaints received throughout the agency, which were not tracked centrally during this time period. During fiscal years 2011 and 2012, the Center for Consumer and External Affairs, Customer Service; the Mental Health and Substance Abuse Division, Consumer Services and Rights Protection; and the Family and Community Health Services Division, Women, Infants, and Children (WIC) Special Supplemental Nutrition Program, tracked complaints through the Health and Human Services Enterprise Administrative Reporting and Tracking (HEART) database. State Hospitals did not begin tracking complaints in HEART until September 1, 2012 and the Vital Statistics Unit will not begin tracking until September 1, 2013.

**Number of complaints dropped/found to be without merit: DSHS programs have historically used different findings for complaint resolution and have not consistently used “dropped/found without merit.” Effective March 1, 2013, HEART was modified and program staff was trained for consistent use of “substantiated” to indicate that the agency expectations were not met.

D. Fill in the following chart detailing your agency’s Historically Underutilized Business (HUB) purchases. See Exhibit 16 Example or [click here to link directly to the example](#).

Department of State Health Services Exhibit 16: Purchases from HUBs FISCAL YEAR 2010					
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal *	Statewide Goal
Heavy Construction	\$8,131	\$4,838	59.5%	11.9%	11.9%
Building Construction	\$253,953	\$30,495	12.0%	26.1%	26.1%
Special Trade	\$13,277,250	\$3,664,284	27.5%	57.2%	57.2%
Professional Services	\$21,065,112	\$747,412	3.5%	20.0%	20.0%
Other Services	\$94,089,700	\$31,067,193	33.0%	33.0%	33.0%
Commodities	\$226,483,908	\$12,511,875	5.5%	12.6%	12.6%
TOTAL	\$355,178,057	\$48,026,100	13.5%		

FISCAL YEAR 2011					
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Goal	Statewide Goal
Heavy Construction	\$17,427	\$0	0%	11.9%	11.9%
Building Construction	\$159,414	\$62,477	39.2%	26.1%	26.1%
Special Trade	\$15,759,515	\$2,655,396	16.8%	57.2%	57.2%
Professional Services	\$23,227,592	\$698,560	3.0%	20.0%	20.0%
Other Services	\$87,860,819	\$34,025,899	38.7%	33.0%	33.0%
Commodities	\$213,897,986	\$20,056,231	9.4	12.6%	12.6%
TOTAL	\$340,922,754	\$57,498,566	16.9%		

FISCAL YEAR 2012					
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Goal	Statewide Goal
Heavy Construction	\$18,801	\$2,363	12.6%	11.2%	11.2%
Building Construction	\$161,603	\$24,209	15.0%	21.1%	21.1%
Special Trade	\$13,575,955	\$4,583,466	33.8%	32.7%	32.7%
Professional Services	\$20,973,939	\$479,383	2.3%	23.6%	23.6%
Other Services	\$88,035,135	\$34,539,263	39.2%	24.6%	24.6%
Commodities	\$221,539,343	\$13,708,228	6.2%	21.0%	21.0%
TOTAL	\$344,304,779	\$53,336,914	15.5%		

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.15b)

Yes. DSHS has a policy on the use of Historically Underutilized Businesses (HUBs). DSHS adopted the Comptroller of Public Accounts (CPA) HUB rules by reference. The policy mandates that DSHS shall make a good faith effort to utilize HUBs or minority businesses in contracts for construction, services, and commodities; and to encourage the use of HUBs by implementing these policies through race-, ethnic-, and gender-neutral means.

DSHS is committed to promoting full and equal business opportunities for all businesses in state contracting in accordance with the methodology recommended for HUB goal attainment as a result of the State of Texas Disparity Study:

DSHS policy on the utilization of HUBs is related to all contracts with an expected value of \$100,000 or more, and whenever practical, in contracts less than \$100,000. It is the policy of DSHS and its contractors to accomplish these goals either through contracting directly with HUBs or indirectly through subcontracting opportunities. DSHS and its contractors shall make a good faith effort to meet or exceed the goals and assist HUBs in receiving a portion of the total contract value of all contracts that DSHS expects to award in a fiscal year.

In order to address performance shortfalls, DSHS monitors its contracts on a monthly basis to determine the level of HUB and minority participation. DSHS strives to eliminate shortfalls by analyzing the expenditures and payments made to its vendors, improve the expertise in evaluating contract opportunities for HUBs or minority firms, and assist each program/division to implement good faith efforts to meet or exceed the goals. Because most of the DSHS contracts are highly specialized, DSHS is continuously demonstrating its commitment to the use of HUBs by:

- participating in external Economic Opportunity Forums and related HUB outreach events statewide;
- hosting internal HUB forums providing HUBs the opportunity to give business presentations to agency management, purchasing, and HUB staff;
- identifying and developing opportunities for HUBs;
- sponsoring and assisting in the development of mentor-protégé relationships with Prime Contractors and HUB;
- recruiting new HUBs/minority vendors for potential contracting opportunities in the procurement categories where there has been minimal HUB utilization;
- offering HUBs assistance and training regarding state procurement procedures;
- assisting and soliciting minority firms for current and new contract opportunities;
- assisting HUBs with the certification and re-certification process for the Statewide HUB Program; and
- encouraging HUBs to register on the CPA's Centralized Master Bidders List.

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.14)

Yes, DSHS has an established process to ensure that the agency considers HUB goals when it enters into a contract with an expected value of \$100,000 or more. DSHS makes a determination whether or not subcontracting opportunities are probable under the contract before DSHS solicits bids, proposals, offers, or other applicable expressions of interest. DSHS' HUB Program Office reviews the solicitation document prior to advertisement to ensure that the following occur.

- It allows for the greatest amount of competition possible.
- The bonding and insurance requirements are reasonable.

- It lists potential subcontracting opportunities.
- It lists the HUB percentage participation goal.
- It lists the prime contractor’s performance requirements related to the HUB Program.
- It includes HUB subcontracting plan requirements.

In addition, the DSHS HUB Program Office works with the DSHS division/program staff to administer comprehensive HUB subcontracting plans that include:

- providing an overview of the HUB subcontracting plan requirements during the vendor conference;
- how and when the HUB Program Office evaluates responses for compliance;
- post-award meetings with the selected vendor which details the contractor performance expectations related to fulfilling the HUB requirements of the contract; and
- ongoing progress assessment monitoring and reporting to ensure the vendor maintains the agreed upon HUB participation percentage commitment, when applicable.

During the solicitation process, all respondents are required to make a good faith effort to complete a HUB subcontracting plan. If the respondent does not make a good-faith effort or if a subcontracting plan is not submitted or is incomplete, the proposal/bid will be disqualified. If the vendor will be using subcontractors, then the vendor is required to demonstrate the effort that was made to solicit a certified HUB subcontractor. DSHS encourages vendors to utilize the CPA HUB directory for the inclusion of HUBs in its contract opportunities. If the subcontractor selected is not a certified HUB, the respondent must provide written justification of their selection process.

In addition to the above efforts, the HHSC Enterprise Contracts and Procurement Services (ECPS; Purchasing Section) assists in making a good-faith effort to ensure HUBs are included in the procurement solicitation processes.

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

	Response / Agency Contact
1. Do you have a HUB coordinator? (Texas Government Code, Sec. 2161.062; TAC Title 34, Part 1, rule 20.26)	Yes, DSHS HUB Coordinator: Shawn Constancio 4405 North Lamar Blvd., Bldg. #1 Austin, Texas 78756 Phone (512) 206-4543 Fax (512) 206-4605 shawn.constancio@hhsc.state.tx.us

	Response / Agency Contact
<p>2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Sec. 2161.066; TAC Title 34, Part 1, rule 20.27)</p>	<p>Yes, DSHS and Health and Human Services agencies conduct an internal HUB forum on a monthly basis where the agencies invite HUB vendors to attend and give a presentation regarding their products, staff, and core capabilities. DSHS also discusses potential contracting opportunities with the vendors. DSHS invites procurement, program, HUB staff, and related decision-makers to attend these forums.</p>
<p>3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Sec. 2161.065; TAC Title 34, Part 1, rule 20.28)</p>	<p>Yes, DSHS has a mentor-protégé program. It is the agency's intent to facilitate the creation of effective working relationships between leaders of mature established companies and emerging minority and women businesses in order for the latter to benefit from the knowledge and experience of the established firms.</p>

H. Fill in the chart below detailing your agency's Equal Employment Opportunity (EEO) statistics.¹

Department of State Health Services							
Exhibit 17: Equal Employment Opportunity Statistics							
Fiscal Year 2009							
Job Category	Total Position	Minority Workforce Percentage					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/ Administration	378	7.7%	7.5%	18.0%	21.1%	55.0%	37.5%
Professional	4,458	10.3%	9.7%	19.0%	18.8%	65.8%	53.3%
Technical	1,125	15.6%	13.9%	28.0%	27.7%	71.9%	53.9%
Administrative Support	1,640	14.3%	12.7%	32.1%	31.9%	88.7%	67.1%
Service Maintenance	4,347	27.8%	14.1%	31.1%	49.9%	56.7%	39.1%
Skilled Craft	331	6.3%	6.6%	31.1%	46.3%	3.3%	6.0%

-Source Data: Fiscal Year 2009 from Human Resources/PeopleSoft 08/31/2009

-The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals are no longer reported as separate groups. Please submit the combined Service/Maintenance category totals, if available.

-Civilian Labor Force Figures from Texas Workforce Commission

¹ The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals are no longer reported as separate groups. Please submit the combined Service/Maintenance category totals, if available.

Department of State Health Services							
Exhibit 17: Equal Employment Opportunity Statistics							
Fiscal Year 2010							
Job Category	Total Position	Minority Workforce Percentage					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/ Administration	380	8.9%	7.5%	17.9%	21.1%	55.3%	37.5%
Professional	4,644	10.4%	9.7%	19.2%	18.8%	66.6%	53.3%
Technical	1,124	16.5%	13.9%	28.6%	27.7%	71.9%	53.9%
Administrative Support	1,577	14.7%	12.7%	32.5%	31.9%	88.3%	67.1%
Service Maintenance	4,117	29.0%	14.1%	33.2%	49.9%	55.8%	39.1%
Skilled Craft	325	6.5%	6.6%	30.2%	46.3%	2.8%	6.0%

- Source Data: Fiscal Year 2010 from Human Resources/PeopleSoft 08/31/2010

-The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals are no longer reported as separate groups. Please submit the combined Service/Maintenance category totals, if available.

-Civilian Labor Force Figures from Workforce Commission

Department of State Health Services							
Exhibit 17: Equal Employment Opportunity Statistics							
Fiscal Year 2011							
Job Category	Total Position	Minority Workforce Percentage					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/ Administration	371	9.2%	9.0%	19.4%	19.5%	55.3%	39.4%
Professional	4,607	10.8%	11.3%	19.3%	17.4%	66.7%	59.1%
Technical	1,096	17.2%	14.2%	29.9%	21.6%	72.0%	41.5%
Administrative Support	1,521	15.7%	13.6%	33.6%	30.5%	88.3%	65.5%

Department of State Health Services							
Exhibit 17: Equal Employment Opportunity Statistics							
Fiscal Year 2011							
Job Category	Total Position	Minority Workforce Percentage					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Service Maintenance	4,076	28.2%	14.7%	33.0%	48.2%	55.0%	40.8%
Skilled Craft	321	5.6%	6.4%	29.6%	47.4%	4.0%	4.2%

-Source Data: Fiscal Year 2011 from Human Resources/PeopleSoft 08/31/2011

-The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals are no longer reported as separate groups. Please submit the combined Service/Maintenance category totals, if available.

-Civilian Labor Force Figures from 2011-2012 EEO and Minority Hiring Practices Report prepared by Workforce Commission, 01/2013.

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

Yes. The Health and Human Services (HHS) System policy for equal employment opportunity is published in the HHS Human Resource Manual, Chapter 16, Equal Employment Opportunity.

The HHSC Civil Rights Office (CRO) reviews and analyzes workforce utilization data. The CRO provides consultation and information related to equal employment opportunity issues and concerns. The CRO provides reports, e.g., personnel actions, new hire data and complaint data, to management for their review and action as appropriate. The CRO provides training tailored to address specific equal employment issues. Employees who violate the HHS System policy on equal employment are subject to disciplinary action, including termination.