

**From:** [Sunset Advisory Commission](#)  
**To:** [Cecelia Hartley](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Wednesday, November 12, 2014 5:00:43 PM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Wednesday, November 12, 2014 3:18 PM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Wednesday, November 12, 2014 - 15:18

Agency: HEALTH AND HUMAN SERVICES COMMISSION HHSC

First Name: Patty

Last Name: Ducayet

Title: State Long-term Care Ombudsman

Organization you are affiliated with: Representing Multiple Organizations

Email: patty.ducayet@dads.state.tx.us

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

To the Members of the Sunset Committee, on behalf of the following organizations:

- Center for Public Policy Priorities
- Coalition for Texans with Disabilities
- League of Women Voters of Texas
- Texas Long-term Care Ombudsman Program

The Sunset Commission Staff Report on the Health and Human Services Commission (HHSC) recommends consolidation of the current HHS enterprise system agencies into one large health and human services agency. The goals of the recommendation – to reduce fragmentation, eliminate duplication, and create more integrated service delivery systems – are important and necessary to improve services to our most vulnerable Texans. The signed organizations, however, have concerns regarding consolidation which revolve around new and current conflicts of interest, loss of expertise, and reduced accountability.

A single agency structure exacerbates current conflicts of interest and creates new ones. In public comments submitted to the Sunset Commission, the Texas Long-term Care Ombudsman Program writes:

“A conflict such as one agency serving as both operator and regulator of the same facility creates public mistrust of the agency’s ability to serve people without compromise of competing interest... Separation is necessary to ensure an investigation is not negatively influenced by broad agency interests.”

Likewise, in public comments to the Sunset Commission, the Coalition of Texans with Disabilities notes:

“We believe in separation within the new, large HHSC. We see regulatory and oversight functions that should be placed into a separate agency. Kept in-house, it could create an appearance of conflict of interest, transparency concerns, and loss of objectivity.”

An additional concern is that consolidating agencies may result in the loss of expertise and resources. A statement by the Center for Public Policy Priorities notes:

“[I] fear that diverting limited staff resources to a major reorganization creating a single HHS agency will challenge and disrupt care for the direct needs of Texans. The Legislature has steadily cut the number of state employees over the years... The declines are even deeper relative to the low-income Texans who are the agencies’ primary clients.”

A third major concern is that a single agency structure results in a loss of accountability to the public and the Legislature. In their public comments, the League of Women Voters of Texas writes:

“We are concerned that consolidating five agencies into one huge HHSC with a governor-appointed and senate-approved administrator places too much power onto one governor-controlled administrator. This one appointment would control all state provided health services in Texas.”

Likewise, the Center for Public Policy Priorities writes:

“The 2003 reorganization eliminated the HHS agency governing boards from communities across Texas, essentially making the agencies accountable to the Governor’s office that hires the HHSC Commissioner. The new single-agency structure proposed seems likely to further dilute any remaining accountability to the public at large.”

The Long-term Care Ombudsman Program also noted:

“[The recommendation] to consolidate agency councils would reduce opportunities for public input and may delay rulemaking... Consumers and consumer advocates need to have equal voice with provider stakeholders in policy planning and development, and quality improvement. Instead of consolidation of councils, the ombudsman program recommends specialized councils be continued or formed to inform the human services agencies about the impact of services and policies on the public.”

Each of the signed organizations appreciates the incredible amount of time and thought that Sunset staff put into their analysis and recommendations. We urge the Sunset staff and Committee to consider the concerns expressed here, and proposed solutions in each group's public comments, about a single health and human services agency. Our increasingly complex health and human services landscape requires solutions that ensure accountability to the Texans we serve.

Sincerely,

Anne Dunkelberg, Associate Director  
Center for Public Policy Priorities

Dennis Borel, Executive Director  
Coalition for Texans with Disabilities

Elaine Wiant, President  
League of Women Voters of Texas

Patty Ducayet, State Long-term Care Ombudsman Texas Long-term Care Ombudsman Program

Any Alternative or New Recommendations on This Agency: See above.

My Comment Will Be Made Public: I agree