

## **BILL ANALYSIS**

Senate Research Center  
78R394 SMJ-D

S.B. 60  
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Health and Human Services  
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As Filed

### **DIGEST AND PURPOSE**

Currently, at least one in ten children and adolescents may suffer from serious emotional disturbance that severely disrupts their lives at home, at school, and in the community. Prevalence estimates for Texas indicate that more than 600,000 children have a mental disorder. However, the Texas Department of Mental Health and Mental Retardation was able to provide services to only a portion of these children, about 38,000, in fiscal year 2001. Over the past fifteen years, Texas has taken steps to create a coordinated response across state agencies to address the needs of children with serious emotional disturbances. As proposed, S.B. 60 would implement a “system of care” model for coordination between state agencies to enhance the method in which services are provided to children who suffer from emotional disturbances and streamline administrative operations and expenses.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Health and Human Services Commission in Section 1 (Section 531.408, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. PROVISION OF SERVICES FOR PERSONS WITH MULTIAGENCY NEEDS.  
Amends Chapter 531, Government Code, by adding Subchapter K, as follows:

#### **SUBCHAPTER K. PROVISION OF SERVICES FOR PERSONS WITH MULTIAGENCY NEEDS**

Sec. 531.401. DEFINITIONS. (a) Defines “system of care agency” and “systems of care services.”

(b) Provides that persons who receive systems of care services include children at risk of residential placement, incarceration, or reincarceration because of severe emotional disturbance, including certain students with special needs.

Sec. 531.402. EXECUTIVE COUNCIL MEMBERSHIP. (a) Provides that the systems of care executive council (executive council) is composed of 21 members as described by this section.

(b) Provides that the commissioner of health and human services and the commissioner of education serve as ex officio members. Provides that service on the executive council is an additional duty of the positions of those commissioners. Provides that the ex officio members have voting authority.

(c) Requires the commissioner of health and human services to appoint 12 members, each of whom must be the administrative head of a systems of care agency.

(d) Requires the governor to appoint two members, one of whom must be appointed from a list of nominees submitted to the governor by the speaker of the house of representatives

(speaker). Authorizes the governor to reject one or more of the nominees on the list. Requires the speaker, if the governor rejects all the nominees on the list, to submit to the governor a new list of different nominees.

(e) Requires the lieutenant governor to appoint one member.

(f) Requires the commissioner of health and human services and the commissioner of education, acting jointly, to appoint certain members to the executive council.

(g) Provides that the appointed members of the executive council serve two-year terms expiring February 1 of each odd-numbered year.

Sec. 531.403. EXECUTIVE COUNCIL OFFICERS; MEETINGS. (a) Requires executive council to elect from its members presiding and assistant presiding officers, and other officers the council considers necessary to perform the council's duties. Requires the assistant presiding officer to preside over meetings in the presiding officer's absence.

Sec. 531.404. EXECUTIVE COUNCIL DUTIES. Requires the executive council to perform certain duties.

Sec. 531.405. POLICY TEAM MEMBERSHIP AND OFFICERS; MEETINGS. (a) Provides that the systems of care policy team (policy team) is composed of certain individuals who are appointed by the executive council and serve at the will of the executive council.

(b) Requires each member of the policy team appointed under Subsection (a) (4) (A) to be a member of the family of a person with mental illness.

(c) Requires the systems of care policy team to elect from its members presiding and assistant presiding officers, and other officers the policy team considers necessary to perform the policy team's duties. Requires the assistant presiding officer to preside over meetings in the presiding officer's absence.

(d) Requires the system of care policy team to meet at least once in each quarter of the calendar year at the call of the presiding officer.

Sec. 531.406. POLICY TEAM DUTIES. Requires the policy team to perform certain duties.

Sec. 531.407. ADMINISTRATIVE SUPPORT FROM COMMISSION. Requires the Health and Human Services Commission (HHS) to provide administrative support to the executive council and policy team to assist the executive council and policy team in performing their duties.

Sec. 531.408. SELECTION OF AREAS SERVED BY COMMUNITY TEAMS. (a) Requires HHS by rule to establish a request-for-proposal process to select a municipality, a county, or two or more contiguous counties as an area served by a systems of care community team (community team) described by Section 531.409. Requires the process to provide that one or more representatives of a governmental entity in a municipality or county may submit a proposal.

(b) Requires HHS and the policy team to develop criteria to evaluate proposals for areas to be served by the community team.

Sec. 531.409. COMMUNITY TEAM MEMBERSHIP. Provides that a community team is composed of certain individuals who are appointed by the representatives who submit a proposal for the team under Section 531.408(a) and serve at the will of those representatives.

Sec. 531.410. COMMUNITY TEAM POWERS AND DUTIES. (a) Requires a community

team to perform certain duties.

(b) Authorizes the community team to designate one or more persons to provide support services to a person who is referred to the systems of care coordination and assessment team and the person's family. Provides that those support services are in addition to the services provided in the plan described by Section 531.411(b) (1).

(c) Authorizes a community team member described by Section 531.409 (1) to use resources from the agency that the member represents to address problems identified by the community team or by the systems of care policy team.

(d) Requires HHS, at the request of the systems of care community team, to designate one or more employees of HHS to assist the team in carrying out the team's duties.

**Sec. 531.411. COORDINATION AND ASSESSMENT TEAM MEMBERSHIP; DUTIES.**

(a) Provides that a systems of care coordination and assessment team (coordination and assessment team) is composed of a number of members who are appointed by a community team and serve at the will of the community team.

(b) Requires the coordination and assessment team to perform certain duties.

**Sec. 531.412. TEAM ACTIONS SUBJECT TO EXECUTIVE COUNCIL APPROVAL.**

Provides that the actions of the policy team, a community team, and a coordination and assessment team are subject to approval by the executive council.

**Sec. 531.413. REIMBURSEMENT FOR EXPENSES.** (a) Prohibits an appointed member of the executive council, the policy team, a community team, or a coordination and assessment team from receiving compensation for service on the council or team but provides for reimbursement of travel expenses incurred by the member while conducting the business of the council or team, as provided by the General Appropriations Act.

(b) Authorizes the reimbursement funds to be paid from certain available funds.

**Sec. 531.414. SYSTEMS OF CARE TRUST FUND.** Provides that the systems of care trust fund is created as a trust fund with the comptroller and requires it to be administered by HHS as a trustee on behalf of the system of care agencies.

**Sec. 531.415. EXPANSION OF SYSTEM CARE SERVICES; MERGER OF LOCAL GROUPS.** (a) Requires the executive council to develop a plan for statewide expansion of systems of care services and teams where needed in accordance with this subchapter. Requires the plan to include certain provisions.

(b) Provides that a reference in another statute to a community team includes within its meaning a community resource coordination group established under a memorandum of understanding under Section 531.055, as added by Chapter 114, Acts of the 77th Legislature, Regular Session, 2001.

(c) Provides that a reference in another statute to a community resources coordination group established under a memorandum of understanding under Section 531.055, as added by Chapter 114, Acts of the 77th Legislature, Regular Session, 2001, includes within its meaning a community team.

(d) Provides that this section expires September 1, 2011.

**Sec. 531.416. MERGER OF TEXAS INTEGRATED FUNDING INITIATIVE.** (a) Requires

the policy team to develop and implement a plan to merge each site participating in the Texas Integrated Funding Initiative under former Chapter 531G, as added by Chapter 446, Acts of the 76th Legislature, Regular Session, 1999, into an area served by a community team.

(b) Requires the plan to provide for the merger to be complete not later than September 1, 2011. Requires the plan to ensure certain duties are met.

(c) Provides that this section expires September 1, 2011.

SECTION 2. Amends Section 531.055, Government Code, as added by Chapter 114, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 531.055. New Heading: MEMORANDUM OF UNDERSTANDING ON THE PROVISION OF SERVICES FOR PERSONS NEEDING MULTIAGENCY SERVICES.

(a) Makes a conforming change.

(b) through (d) Makes conforming changes.

(e) Requires each systems of care agency to conduct a biennial review of the memorandum of understanding and propose necessary changes to the memorandum. Requires the agencies to develop other revisions as necessary to reflect major agency reorganizations or other statutory changes affecting the agencies.

(f) Makes conforming changes.

Creates new subsection (b) from existing text. Redesignates subsections (b)-(d) as (c)-(f).

SECTION 3. ADOPTION OF MEMORANDUM OF UNDERSTANDING. (a) Requires each systems of care agency to adopt the joint memorandum of understanding, as provided by Section 531.055, Government Code, as amended by this Act, on or before September 1, 2004.

(b) Provides that the memorandum adopted under Section 531.055, Government Code, as added by Chapter 114, Acts of the 77th Legislature, Regular Session, 2001, remains in effect until the memorandum of understanding adopted under Section 531.055, Government Code, as amended by this Act, is adopted and takes effect.

SECTION 4. FUNDING PLAN FOR PROVISION OF MULTIAGENCY SERVICES. (a) Requires the systems of care executive council to develop a funding plan for provision of multiagency services.

(b) Requires the systems of care executive council to report on the plan to the legislature not later than September 1, 2004.

SECTION 5. REPEALER; CONFORMING AMENDMENTS. (a) Repealer: Section 242.801(2) (Convalescent and Nursing Homes and Related Institutions, Definitions, Community Resource Coordination Group), Health and Safety Code.

(b) Repealer: Chapter 531G (Developing Local Mental Health Care Systems For Certain Children), Government Code.

(c) Amends Section 531.151(2), Government Code, to make conforming changes.

SECTION 6. INITIAL APPOINTEES TO EXECUTIVE COUNCIL. Provides that the initial appointees to the systems of care executive council serve terms expiring February 1, 2005.

SECTION 7. Effective date: September 1, 2003.