

By: Turner

H.B. No. 2229

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to transferring programs and activities relating to public  
3 mental health services for children from the Texas Department of  
4 Mental Health and Mental Retardation to the Health and Human  
5 Services Commission.

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

7 SECTION 1. Subchapter B, Chapter 531, Government Code, is  
8 amended by adding Section 531.066 to read as follows:

9 Sec. 531.066. MENTAL HEALTH SERVICES FOR CHILDREN.  
10 Notwithstanding any provision in Title 7, Health and Safety Code,  
11 the commission shall administer programs and activities in this  
12 state related to the provision of public mental health services to  
13 children.

14 SECTION 2. (a) On or before September 1, 2004, as  
15 determined by the commissioner of health and human services, all  
16 powers, duties, functions, programs, and activities of the Texas  
17 Department of Mental Health and Mental Retardation related to the  
18 provision of public mental health services to children, and all  
19 funds appropriated by the legislature for those powers, duties,  
20 functions, programs, and activities, are transferred to the Health  
21 and Human Services Commission.

22 (b) On September 1, 2003, all rulemaking and policymaking  
23 authority of the Texas Department of Mental Health and Mental  
24 Retardation related to the provision of public mental health

1 services to children is transferred to the Health and Human  
2 Services Commission.

3 (c) On the date determined by the commissioner of health and  
4 human services under Subsection (a) of this section:

5 (1) all obligations and contracts of the Texas  
6 Department of Mental Health and Mental Retardation related to the  
7 provision of public mental health services to children are  
8 transferred to the Health and Human Services Commission;

9 (2) all property and records in the custody of the  
10 Texas Department of Mental Health and Mental Retardation related to  
11 the provision of public mental health services to children are  
12 transferred to the Health and Human Services Commission; and

13 (3) all complaints, investigations, or contested  
14 cases that are pending before the Texas Department of Mental Health  
15 and Mental Retardation that are related to a power, duty, function,  
16 program, or activity transferred under this section are transferred  
17 without change in status to the Health and Human Services  
18 Commission.

19 (d) A rule or form adopted by the Texas Department of Mental  
20 Health and Mental Retardation that relates to a power, duty,  
21 function, program, or activity transferred under this section is a  
22 rule or form of the Health and Human Services Commission and remains  
23 in effect until altered by the commission.

24 (e) A reference in law to the Texas Department of Mental  
25 Health and Mental Retardation or to the commissioner of mental  
26 health and mental retardation that relates to a power, duty,  
27 function, program, or activity transferred under this section

1 includes a reference to the Health and Human Services Commission or  
2 the commissioner of health and human services, as appropriate.

3 (f) A license, permit, certification, or order in effect  
4 that was issued by the Texas Department of Mental Health and Mental  
5 Retardation and that relates to a power, duty, function, program,  
6 or activity transferred under this section is continued in effect  
7 as a license, permit, certification, or order of the Health and  
8 Human Services Commission.

9 SECTION 3. This Act takes effect September 1, 2003.