

By: Zaffirini

S.B. No. 60

A BILL TO BE ENTITLED

AN ACT

relating to the provision of public mental health and related services for certain children who need the services of more than one agency.

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

SECTION 1. PROVISION OF SERVICES FOR CERTAIN CHILDREN WITH MULTIAGENCY NEEDS. Chapter 531, Government Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. PROVISION OF SERVICES FOR CERTAIN CHILDREN
WITH MULTIAGENCY NEEDS

Sec. 531.401. DEFINITIONS. In this subchapter:

(1) "Children with severe emotional disturbances" includes:

(A) children who are at risk of incarceration or placement in a residential mental health facility;

(B) children for whom a court may appoint the Department of Protective and Regulatory Services as managing conservator;

(C) children who are students in a special education program under Subchapter A, Chapter 29, Education Code; and

(D) children who have a substance abuse disorder or a developmental disability.

(2) "Systems of care agency" includes each health and

1 human services agency, the Health and Human Services Commission,
2 the Texas Council on Offenders with Mental Impairments, the Texas
3 Education Agency, the Texas Juvenile Probation Commission, and the
4 Texas Youth Commission.

5 (3) "Systems of care services" means a comprehensive
6 state system of mental health services and other necessary and
7 related services that is organized as a coordinated network to meet
8 the multiple and changing needs of children with severe emotional
9 disturbances and their families.

10 Sec. 531.402. EXECUTIVE COUNCIL MEMBERSHIP. (a) The
11 systems of care executive council is composed of 21 members as
12 described by this section.

13 (b) The commissioner of health and human services and the
14 commissioner of education serve as ex officio members. Service on
15 the systems of care executive council is an additional duty of the
16 positions of those commissioners. The ex officio members have
17 voting authority.

18 (c) The commissioner of health and human services shall
19 appoint 12 members, each of whom must be the administrative head of
20 a systems of care agency.

21 (d) The governor shall appoint two members, one of whom must
22 be appointed from a list of nominees submitted to the governor by
23 the speaker of the house of representatives. The governor may
24 reject one or more of the nominees on the list. If the governor
25 rejects all the nominees on the list, the speaker shall submit to
26 the governor a new list of different nominees.

27 (e) The lieutenant governor shall appoint one member.

1 (f) The commissioner of health and human services and the
2 commissioner of education, acting jointly, shall appoint the
3 following members:

4 (1) one member who must be a judge of a state juvenile
5 court;

6 (2) one member who must be a representative of a group
7 that advocates on behalf of children with severe emotional
8 disturbances;

9 (3) one member who must be a representative of a group
10 that advocates on behalf of family members of children with severe
11 emotional disturbances; and

12 (4) one member who must be a representative of a
13 community in which systems of care services are provided.

14 (g) The appointed members of the systems of care executive
15 council serve two-year terms expiring February 1 of each
16 odd-numbered year.

17 Sec. 531.403. EXECUTIVE COUNCIL OFFICERS; MEETINGS.

18 (a) The systems of care executive council shall elect from its
19 members a presiding officer, an assistant presiding officer, and
20 other officers the council considers necessary to perform the
21 council's duties. The assistant presiding officer shall preside
22 over meetings in the presiding officer's absence.

23 (b) The systems of care executive council shall meet at
24 least three times each year at the call of the presiding officer.

25 Sec. 531.404. EXECUTIVE COUNCIL DUTIES. The systems of
26 care executive council shall:

27 (1) review and take appropriate action on the plan

1 developed under Section 531.406 for expanding the provision of
2 systems of care services;

3 (2) approve and oversee the implementation of program
4 and fiscal policies developed by the systems of care policy team;

5 (3) review and take appropriate action on
6 recommendations that the policy team presents to the council;

7 (4) approve and oversee the actions of the policy
8 team;

9 (5) ensure that systems of care agencies have adequate
10 administrative support to provide systems of care services;

11 (6) oversee the distribution and use of funding for
12 systems of care services; and

13 (7) issue a biennial report to the governor, the
14 senate, and the house of representatives that includes:

15 (A) legislative proposals relating to systems of
16 care services; and

17 (B) an evaluation of the provision of systems of
18 care services.

19 Sec. 531.405. POLICY TEAM MEMBERSHIP AND OFFICERS;
20 MEETINGS. (a) The systems of care policy team is composed of the
21 following members who are appointed by the systems of care
22 executive council and serve at the will of the executive council:

23 (1) one or more members of the senior staff of each
24 systems of care agency;

25 (2) the judge of a juvenile or domestic relations
26 court;

27 (3) a representative of an organization whose

1 membership is composed primarily of persons representing county
2 governments; and

3 (4) one or more representatives of:

4 (A) an organization that supports families of
5 children with severe emotional disturbances;

6 (B) a private organization that provides
7 services to children with severe emotional disturbances;

8 (C) a group that advocates on behalf of children
9 with severe emotional disturbances and their families; and

10 (D) a community in which systems of care services
11 are provided.

12 (b) Each member of the systems of care policy team appointed
13 under Subsection (a)(4)(A) must also be a member of the family of a
14 child with a severe emotional disturbance.

15 (c) The systems of care policy team shall elect from its
16 members a presiding officer, an assistant presiding officer, and
17 other officers the policy team considers necessary to perform the
18 policy team's duties. The assistant presiding officer shall
19 preside over meetings in the presiding officer's absence.

20 (d) The systems of care policy team shall meet at least once
21 in each quarter of the calendar year at the call of the presiding
22 officer.

23 Sec. 531.406. POLICY TEAM DUTIES. (a) In this section,
24 "community resource coordination group" means a coordination group
25 established under the memorandum of understanding adopted under
26 Section 531.055, as added by Chapter 114, Acts of the 77th
27 Legislature, Regular Session, 2001.

1 (b) The systems of care policy team shall:

2 (1) develop a plan for expanding the provision of
3 systems of care services throughout this state, including a time
4 frame for the expansion of those services and provisions for
5 working with community resource coordination groups in
6 implementing the plan;

7 (2) develop policies for integrating the services
8 provided to children with severe emotional disturbances who need
9 the services of more than one systems of care agency;

10 (3) develop procedures for distributing and
11 monitoring the use of funds for systems of care services;

12 (4) develop methods for collecting, analyzing, and
13 reporting data that can be used by each systems of care agency to
14 evaluate systems of care services;

15 (5) develop methods that the systems of care executive
16 council and each systems of care agency can use to evaluate:

17 (A) the provision of systems of care services;
18 and

19 (B) the outcome of those services for the
20 children and families who receive them;

21 (6) make recommendations to the systems of care
22 executive council regarding policies, procedures, and methods
23 developed under this section;

24 (7) provide training for and technical assistance to
25 governmental entities involved in providing systems of care
26 services;

27 (8) establish work groups to study issues relating to

1 the implementation of this subchapter and the provision of systems
2 of care services and submit the recommendations of those groups to
3 the systems of care executive council;

4 (9) issue a biennial report to the systems of care
5 executive council that evaluates the provision of systems of care
6 services using the methods developed under this section and
7 includes:

8 (A) the number of children and families who
9 received systems of care services during the reporting period and
10 the outcome of those services for the children and families who
11 received them;

12 (B) recommendations for improving the
13 coordination of:

14 (i) funding for systems of care services;
15 and

16 (ii) the provision of services by systems
17 of care agencies;

18 (C) a description of any barriers to the ability
19 of a systems of care agency to provide effective systems of care
20 services and recommendations for overcoming those barriers; and

21 (D) any other information relevant to improving
22 the provision of services to children with severe emotional
23 disturbances who have multiagency needs; and

24 (10) perform other duties that the systems of care
25 executive council may assign.

26 (c) The actions of the systems of care policy team are
27 subject to approval by the systems of care executive council.

1 Sec. 531.407. MERGER OF TEXAS INTEGRATED FUNDING
2 INITIATIVE. (a) The systems of care policy team shall develop and
3 implement a plan to merge the duties of the consortium that oversees
4 the Texas Integrated Funding Initiative under Subchapter G, as
5 added by Chapter 446, Acts of the 76th Legislature, Regular
6 Session, 1999, with the duties of the policy team. The plan must
7 ensure that:

8 (1) the same population groups served under the Texas
9 Integrated Funding Initiative are served under this subchapter; and

10 (2) the availability and quality of services provided
11 to those population groups do not decrease.

12 (b) A reference in another statute to the consortium that
13 oversees the Texas Integrated Funding Initiative under Subchapter
14 G, as added by Chapter 446, Acts of the 76th Legislature, Regular
15 Session, 1999, includes within its meaning the systems of care
16 policy team established under this subchapter.

17 Sec. 531.408. ADMINISTRATIVE SUPPORT FROM COMMISSION. The
18 commission shall provide administrative support:

19 (1) to the systems of care executive council and
20 policy team to assist the executive council and policy team in
21 performing their duties; and

22 (2) where otherwise needed to fulfill the requirements
23 of this subchapter.

24 Sec. 531.409. REIMBURSEMENT FOR EXPENSES. (a) An
25 appointed member of the systems of care executive council or
26 systems of care policy team may not receive compensation for
27 service on the council or team but is entitled to reimbursement of

1 the travel expenses incurred by the member while conducting the
2 business of the council or team, as provided by the General
3 Appropriations Act.

4 (b) The reimbursement may be paid from:

5 (1) available funds of the systems of care agency with
6 which the member is employed or that the member represents, in the
7 case of a person whose membership on the council or team is a result
8 of being an employee or representative of that agency; or

9 (2) available funds of the commission, in the case of
10 other members of the council or team.

11 SECTION 2. FUNDING PLAN FOR PROVISION OF MULTIAGENCY
12 SERVICES. (a) The systems of care executive council created by
13 Section 531.402, Government Code, as added by this Act, shall
14 develop a plan for funding systems of care services established
15 under Subchapter K, Chapter 531, Government Code, as added by this
16 Act, using all available state and federal money, including money
17 used to fund a site participating in the Texas Integrated Funding
18 Initiative under Subchapter G, Chapter 531, Government Code, as
19 added by Chapter 446, Acts of the 76th Legislature, Regular
20 Session, 1999.

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

23 SECTION 3. INITIAL APPOINTEES TO EXECUTIVE COUNCIL. The
24 initial appointees to the systems of care executive council created
25 by Section 531.402, Government Code, as added by this Act, serve
26 terms expiring February 1, 2005.

27 SECTION 4. EFFECTIVE DATE. This Act takes effect September

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1 1, 2003.