

By: Naishtat

H.B. No. 2339

A BILL TO BE ENTITLED

AN ACT

relating to behavioral health services for children and establishment of the Children's Behavioral Health Council.

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

SECTION 1. Section 531.251, Government Code, is amended to read as follows:

Sec. 531.251. TEXAS INTEGRATED FUNDING INITIATIVE PILOT PROJECT [CONSORTIUM]; DEFINITION; EXPANSION PLAN. (a) In this subchapter, "council" means the Children's Behavioral Health Council established under Section 531.425.

(a-1) The council [~~commission~~] shall [~~form a consortium to~~] develop criteria for and implement the expansion of the Texas Integrated Funding Initiative pilot project and [~~to~~] develop local mental health care systems in communities for minors who are receiving residential mental health services or who are at risk of residential placement to receive mental health services. [~~The consortium must include representatives of the Texas Department of Mental Health and Mental Retardation, Department of Protective and Regulatory Services, Texas Education Agency, Texas Youth Commission, Texas Juvenile Probation Commission, and Texas Commission on Alcohol and Drug Abuse and an equal number of family advocates.~~]

(b) The commission and the council [~~consortium~~] shall:

(1) develop a model and guidelines for the delivery of

1 mental health services and support to a minor, initiated before the  
2 person's 18th birthday, including best practices in the financing,  
3 administration, governance, and delivery of those services;

4 (2) establish a plan to expand the Texas Integrated  
5 Funding Initiative so that the initiative may operate in up to six  
6 communities; and

7 (3) identify appropriate sources of state and federal  
8 funding to finance mental health services under the initiative from  
9 a central fund for expansion communities.

10 SECTION 2. Section 531.252(b), Government Code, is amended  
11 to read as follows:

12 (b) The commission and the council [~~consortium~~] shall  
13 develop criteria to evaluate proposals for selecting expansion  
14 communities to participate in the expanded initiative. The  
15 criteria must:

16 (1) reflect the underlying principles of the Texas  
17 Integrated Funding Initiative;

18 (2) emphasize services that are culturally competent,  
19 family-centered, and seamless;

20 (3) identify populations to be served under the  
21 proposals;

22 (4) establish for the expansion communities service  
23 outcome goals related to minors who are receiving residential  
24 mental health services or who are at risk of residential placement  
25 to receive mental health services, including:

26 (A) decreasing incidents of abuse or neglect of  
27 the minors;

1 (B) reducing recidivism rates of juvenile  
2 offenders;

3 (C) increasing school attendance and progress of  
4 the minors;

5 (D) reducing the rate of placement of the minors  
6 in residential treatment;

7 (E) increasing the rate of reunification of the  
8 minors with their families;

9 (F) improving the emotional, behavioral, and  
10 social adjustment of the minors; and

11 (G) improving the stability of placements of the  
12 minors;

13 (5) provide for locations of participating  
14 communities in urban, suburban, and rural settings; and

15 (6) specify information that must be provided in a  
16 proposal for a community, including:

17 (A) information on the costs of the activities  
18 proposed; and

19 (B) the characteristics of minors in the  
20 community who are in residential care for mental health services or  
21 who are at risk of being placed in residential care to receive  
22 mental health services.

23 SECTION 3. Section 531.253, Government Code, is amended to  
24 read as follows:

25 Sec. 531.253. SELECTION OF EXPANSION COMMUNITIES. The  
26 commission and the council [~~consortium~~] shall review proposals for  
27 expansion communities and approve participation of not more than

1 six communities to participate in the initiative. The selected  
2 communities must be those that best meet the criteria developed  
3 under Section 531.252.

4 SECTION 4. Section 531.254, Government Code, is amended to  
5 read as follows:

6 Sec. 531.254. SYSTEM DEVELOPMENT COLLABORATION. The  
7 commission, the council [~~consortium~~], and the expansion  
8 communities shall collaborate to develop and shall share technical  
9 assistance and training resources to aid communities in developing  
10 local systems for delivering mental health services to minors.

11 SECTION 5. Sections 531.255(a), (b), and (c), Government  
12 Code, are amended to read as follows:

13 (a) The commission and the council [~~Texas Department of~~  
14 ~~Mental Health and Mental Retardation~~] jointly shall monitor the  
15 progress of the expansion communities.

16 (b) The commission, the council [~~consortium~~], and the  
17 expansion communities shall collaborate to develop a system to  
18 evaluate the success of the expansion communities in achieving  
19 outcome goals for the minors the communities serve, including  
20 outcome goals developed under Section 531.252. An evaluation under  
21 the system must include information on cost avoidance and net  
22 savings that result from participation in the initiative.

23 (c) Each expansion community shall identify the baseline  
24 information to compare with the information on outcomes in  
25 evaluating the achievements of the community. A community is  
26 responsible for collecting and reporting outcome information to the  
27 commission and the council in accordance with the requirements of

1 the evaluation system developed under Subsection (b).

2 SECTION 6. Section 531.421, Government Code, is amended by  
3 adding Subdivision (3-a) to read as follows:

4 (3-a) "Council" means the Children's Behavioral Health  
5 Council established under Section 531.425.

6 SECTION 7. Section 531.422(c), Government Code, is amended  
7 to read as follows:

8 (c) Each community resource coordination group shall submit  
9 the report described by Subsection (b) to the council [~~consortium~~].  
10 The council [~~consortium~~] shall provide a deadline to each group for  
11 submitting the reports. The time frame for completing the reports  
12 must be coordinated with any regional reviews by the commission of  
13 the delivery of related services.

14 SECTION 8. Section 531.423, Government Code, is amended to  
15 read as follows:

16 Sec. 531.423. SUMMARY REPORT BY COUNCIL [~~TEXAS INTEGRATED~~  
17 ~~FUNDING INITIATIVE CONSORTIUM~~]. (a) The council [~~consortium~~]  
18 shall create a summary report based on the evaluations in the  
19 reports submitted to the council [~~consortium~~] by community resource  
20 coordination groups under Section 531.422. The council's  
21 [~~consortium's~~] report must include recommendations for policy and  
22 statutory changes at each agency that is involved in the provision  
23 of systems of care services and the outcome expected from  
24 implementing each recommendation.

25 (b) The council [~~consortium~~] shall coordinate, where  
26 appropriate, the recommendations in the report created under this  
27 section with recommendations in the assessment developed under

1 Chapter 23 [~~S.B. No. 491~~], Acts of the 78th Legislature, Regular  
2 Session, 2003, and with the continuum of care developed under  
3 Section 533.040(d), Health and Safety Code [~~S.B. No. 490, Acts of~~  
4 ~~the 78th Legislature, Regular Session, 2003~~].

5 (c) The council [~~consortium~~] may include in the report  
6 created under this section recommendations for the statewide  
7 expansion of sites participating in the Texas Integrated Funding  
8 Initiative under Subchapter G-1 [~~G, Chapter 531, as added by~~  
9 ~~Chapter 446, Acts of the 76th Legislature, Regular Session, 1999,~~]  
10 and the integration of services provided at those sites with  
11 services provided by community resource coordination groups.

12 (d) The council [~~consortium~~] shall provide a copy of the  
13 report created under this section to each agency for which the  
14 report makes a recommendation and to other agencies as appropriate.

15 SECTION 9. Subchapter L, Chapter 531, Government Code, is  
16 amended by adding Sections 531.425 through 531.428 to read as  
17 follows:

18 Sec. 531.425. CHILDREN'S BEHAVIORAL HEALTH COUNCIL. (a)  
19 The Children's Behavioral Health Council is established to provide  
20 a coordinated, comprehensive, interagency approach to the  
21 development and delivery of behavioral health services to children.

22 (b) The council is composed of one representative from each  
23 of the following state agencies, appointed by the chief  
24 administrative officer of the respective agency:

25 (1) the Health and Human Services Commission;

26 (2) the Department of State Health Services;

27 (3) the Department of Family and Protective Services;

1           (4) the Department of Assistive and Rehabilitative  
2 Services;

3           (5) the Department of Aging and Disability Services;

4           (6) the Texas Education Agency;

5           (7) the Texas Correctional Office on Offenders with  
6 Medical or Mental Impairments;

7           (8) the Texas Juvenile Probation Commission; and

8           (9) the Texas Youth Commission.

9           (c) The members of the council shall annually elect one  
10 member to serve as chairperson.

11           (d) The council, with the advice of the advisory committee  
12 established under Section 531.426, shall:

13           (1) develop and implement coordinated state policies  
14 to improve the behavioral health of children;

15           (2) develop a coordinated system for planning and  
16 budgeting that establishes priorities and strategies for the  
17 coordinated delivery of behavioral health services to children;

18           (3) develop a coordinated system to track and report  
19 spending on behavioral health services for children by agencies  
20 represented by a member of the council;

21           (4) administer state grants for development of local  
22 systems of care services;

23           (5) develop a plan to support the statewide expansion  
24 of local systems of care services;

25           (6) provide technical assistance and training to local  
26 providers of systems of care services;

27           (7) design an integrated funding structure for the

1 provision of behavioral health services for children in accordance  
2 with Section 531.427; and

3 (8) assess the provision of behavioral health services  
4 to children to eliminate duplication of efforts and identify  
5 opportunities to consolidate those efforts.

6 (e) The council is administratively attached to the  
7 commission. The commission shall provide administrative support  
8 and resources to the council as necessary to enable the council to  
9 perform its duties.

10 (f) The council is not subject to Chapter 2110.

11 Sec. 531.426. CHILDREN'S BEHAVIORAL HEALTH ADVISORY  
12 COMMITTEE. (a) The commission shall establish the Children's  
13 Behavioral Health Advisory Committee to assist the council in the  
14 performance of its duties.

15 (b) The governor shall appoint to the advisory committee  
16 representatives from advocacy groups and organizations with  
17 expertise in behavioral health issues involving children and from  
18 other family advocates. The governor shall appoint as many members  
19 to the advisory committee as the council considers necessary to  
20 assist the council in performing its duties, but not less than the  
21 number of agency representatives on the council.

22 (c) The advisory committee shall elect one member to serve  
23 as chairperson, and shall meet in accordance with commission rules.

24 (d) A member of the advisory committee may not receive  
25 compensation for serving on the committee, but is entitled to  
26 reimbursement for travel expenses incurred while conducting the  
27 business of the committee, as provided by the General



1 Appropriations Act.

2 (e) The commission shall provide administrative support and  
3 resources to the advisory committee as necessary to enable the  
4 committee to perform its duties.

5 (f) The committee is not subject to Chapter 2110.

6 Sec. 531.427. INTEGRATED FUNDING STRUCTURE FOR CERTAIN  
7 BEHAVIORAL HEALTH SERVICES. (a) The council shall design an  
8 integrated cross-agency funding structure for the provision of  
9 behavioral health services to children.

10 (b) In creating the funding structure, the council shall  
11 consider:

12 (1) the use of existing categorical or noncategorical  
13 federal, state, and local funds;

14 (2) the use of blended or braided funding  
15 arrangements;

16 (3) which funds should be included in the funding  
17 structure and how the funds should be structured; and

18 (4) the persons that should control and manage the  
19 funds, including managed care financing structures.

20 (c) The council may hire a consultant to assist with  
21 designing the funding structure.

22 (d) Not later than June 1, 2008, the council shall submit a  
23 report to the governor and the Legislative Budget Board that:

24 (1) describes the funding structure designed by the  
25 council; and

26 (2) identifies the steps necessary to implement the  
27 structure, including identification of necessary statutory changes

1 or federal approvals.

2 (e) Subsection (d) and this subsection expire September 1,  
3 2008.

4 Sec. 531.428. HOME AND COMMUNITY SERVICES FOR CHILDREN WITH  
5 SEVERE EMOTIONAL DISTURBANCES. (a) The commission shall maximize  
6 funding for home and community-based services for children with  
7 severe emotional disturbances by providing those services, to the  
8 greatest extent possible, through a Section 1915(c) waiver program  
9 or other Medicaid program. Not later than September 1, 2008, the  
10 commission shall identify each service the commission anticipates  
11 could be delivered cost-effectively in that manner using existing  
12 resources and seek federal approval as necessary to permit the  
13 delivery of services in that manner.

14 (b) Notwithstanding any other provision of this section,  
15 the commission may implement maximization financing strategies at a  
16 location providing systems of care services.

17 SECTION 10. Section 531.421(3), Government Code, is  
18 repealed.

19 SECTION 11. Not later than October 1, 2007, the chief  
20 administrative officer of each agency listed in Section 531.425(b),  
21 Government Code, as added by this Act, shall appoint the agency's  
22 representative to the Children's Behavioral Health Council  
23 established by that section.

24 SECTION 12. (a) Not later than November 1, 2007, the  
25 governor shall appoint the initial members of the Children's  
26 Behavioral Health Advisory Committee created by Section 531.426,  
27 Government Code, as added by this Act.

1           (b) In making initial appointments, the governor must  
2 include the public members serving immediately before the effective  
3 date of this Act on the Texas Integrated Funding Initiative  
4 Consortium, as formed under Section 531.251, Government Code, as  
5 that section existed before amendment by this Act, provided that  
6 those members wish to continue to serve.

7           SECTION 13. The changes in law made by this Act to  
8 Subchapter G-1, Chapter 531, Government Code, do not affect the  
9 funding for or provision of services by a community participating  
10 in the Texas Integrated Funding Initiative under that subchapter  
11 before the effective date of this Act.

12           SECTION 14. This Act takes effect September 1, 2007.