

By: Hernandez

H.B. No. 2893

A BILL TO BE ENTITLED

AN ACT

relating to the provision of children's mental health services.

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

SECTION 1. Subchapter D, Chapter 62, Health and Safety Code, is amended by adding Section 62.160 to read as follows:

Sec. 62.160. MENTAL HEALTH SERVICES FOR CERTAIN CHILDREN.

(a) The commission, if feasible and cost-effective, shall provide mental health services through the child health plan to a child with mental health needs who:

(1) is not otherwise eligible for the child health plan due to family income or resource eligibility criteria; and

(2) is at risk of being transferred to the custody of the state to receive needed mental health services.

(b) The commissioner shall adopt rules to implement this section.

SECTION 2. Chapter 1001, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. CHILDREN'S MENTAL HEALTH SERVICES

Sec. 1001.101. OFFICE OF CHILDREN'S MENTAL HEALTH. (a) The commissioner by rule shall establish an Office of Children's Mental Health to ensure that children in this state receive the mental health services and supports they need through a comprehensive, seamless system that delivers services at the local level and recognizes that children and their families come first.

1 (b) The office shall develop and implement a comprehensive
2 plan for a mental health services system that includes:

3 (1) a family-centered approach to the delivery of
4 services that is accessible, culturally competent, and focused on
5 the attainment of positive outcomes for all children;

6 (2) the full spectrum of services and supports needed
7 to provide for the mental health of children without separating
8 children from the custody of their families; and

9 (3) methods to reduce the disparity in the access to
10 and type of mental health services provided to children of
11 different racial or ethnic groups.

12 (c) To ensure the quality of mental health services and
13 delivery of those services, the department through the office,
14 shall collaborate with:

15 (1) the Children's Mental Health Council established
16 by Section 1001.102;

17 (2) the Children's Mental Health Advisory Committee
18 established by Section 1001.103; and

19 (3) families of children requiring mental health
20 services.

21 Sec. 1001.102. CHILDREN'S MENTAL HEALTH COUNCIL. (a) The
22 Children's Mental Health Council is established to provide a
23 coordinated, comprehensive, interagency approach to the
24 development and delivery of mental health services to children.

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

- 1 (1) the Health and Human Services Commission;
- 2 (2) the Department of State Health Services;
- 3 (3) the Department of Family and Protective Services;
- 4 (4) the Department of Assistive and Rehabilitative
5 Services;
- 6 (5) the Department of Aging and Disability Services;
- 7 (6) the Texas Education Agency;
- 8 (7) the Texas Correctional Office on Offenders with
9 Medical or Mental Impairments;
- 10 (8) the Texas Juvenile Probation Commission; and
- 11 (9) the Texas Youth Commission.

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

14 (d) The council, with the advice of the advisory committee
15 established under Section 1001.103, shall:

16 (1) develop and implement coordinated state policies
17 to improve the mental health of children;

18 (2) develop a coordinated system for planning and
19 budgeting that establishes priorities and strategies for the
20 coordinated delivery of mental health services to children;

21 (3) develop a coordinated system to track and report
22 spending on mental health services for children by agencies
23 represented by a member of the council; and

24 (4) assess the provision of mental health services to
25 children to eliminate duplication of efforts and identify
26 opportunities to consolidate those efforts.

27 (e) The council is administratively attached to the

1 department. The department shall provide administrative support
2 and resources to the council as necessary to enable the council to
3 perform its duties.

4 (f) The council is not subject to Chapter 2110, Government
5 Code.

6 Sec. 1001.103. CHILDREN'S MENTAL HEALTH ADVISORY
7 COMMITTEE. (a) The commission shall establish the Children's
8 Mental Health Advisory Committee to assist the council in the
9 performance of its duties.

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

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

19 (d) A member of the advisory committee may not receive
20 compensation for serving on the committee, but is entitled to
21 reimbursement for travel expenses incurred while conducting the
22 business of the committee, as provided by the General
23 Appropriations Act.

24 (e) The commission shall provide administrative support and
25 resources to the advisory committee as necessary to enable the
26 committee to perform its duties.

27 (f) The committee is not subject to Chapter 2110, Government

1 Code.

2 Sec. 1001.104. INTERVENTION IN CHILDREN AND ADOLESCENTS.

3 To combat mental illness occurring in children and adolescents as
4 early as possible, to minimize poor school outcomes, and to improve
5 academic and vocational opportunities, the office in collaboration
6 with the commissioner of education shall:

7 (1) assess the availability and adequacy of
8 school-based mental health services and the assistance provided to
9 schools and children who exhibit a clear indication of risk for
10 referral to disciplinary classrooms or other behavioral referrals,
11 juvenile justice involvement, or other actions by community-based
12 mental health services; and

13 (2) build on initiatives regarding early childhood
14 intervention for children and adolescents by using a system of care
15 approach and by building a population-based, early intervention
16 approach for identified high-risk children and adolescents.

17 SECTION 3. Subchapter B, Chapter 32, Human Resources Code,
18 is amended by adding Section 32.0249 to read as follows:

19 Sec. 32.0249. MEDICAL ASSISTANCE FOR CERTAIN CHILDREN WITH
20 MENTAL HEALTH NEEDS. (a) The department, if feasible and
21 cost-effective, shall provide mental health services through the
22 medical assistance program to a child with mental health needs who:

23 (1) is not otherwise eligible for medical assistance
24 due to family income or resource eligibility criteria; and

25 (2) is at risk of being transferred to the custody of
26 the state to receive needed mental health services.

27 (b) The executive commissioner of the Health and Human

1 Services Commission shall adopt rules regarding the provision of
2 medical assistance under this section.

3 SECTION 4. (a) The Office of Children's Mental Health, with
4 the advice and assistance of the Children's Mental Health Council
5 and the Children's Mental Health Advisory Committee, shall develop
6 a plan to address the need for mental health services and supports
7 for:

8 (1) all children for whom the Department of Family and
9 Protective Services is appointed managing conservator solely
10 because of the need for mental health services;

11 (2) children who are determined by a court to require
12 mental health services; and

13 (3) any other special population of children, as
14 determined by the office.

15 (b) The plan must include:

16 (1) an analysis of federal funding, including funding
17 available under waivers, that may be used to support the provision
18 of the mental health services and supports and the feasibility of
19 securing those funds;

20 (2) an analysis of state funding available through the
21 state Medicaid program and the state child health plan;

22 (3) the effect on funding and programs created by
23 extending mental health services and supports to all children under
24 Subsection (a);

25 (4) any legislative recommendations needed to
26 implement the plan; and

27 (5) any other relevant information as determined by

1 the office.

2 (c) Not later than January 1, 2009, the office shall submit
3 the plan required by this section to the governor, lieutenant
4 governor, and speaker of the house of representatives.

5 SECTION 5. If before implementing any provision of this Act
6 a state agency determines that a waiver or authorization from a
7 federal agency is necessary for implementation of that provision,
8 the agency affected by the provision shall request the waiver or
9 authorization and may delay implementing that provision until the
10 waiver or authorization is granted.

11 SECTION 6. Not later than October 1, 2007, the chief
12 administrative officer of each agency listed in Section 1001.102,
13 Health and Safety Code, as added by this Act, shall appoint the
14 agency's representative to the Children's Mental Health Council
15 established by that section.

16 SECTION 7. Not later than November 1, 2007, the governor
17 shall appoint the initial members of the Children's Mental Health
18 Advisory Committee created by Section 1001.103, Health and Safety
19 Code, as added by this Act.

20 SECTION 8. This Act takes effect September 1, 2007.