

By: Hughes

H.B. No. 3916

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regional implementation of the privatization of
3 substitute care and case management services.

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

5 SECTION 1. Section 264.106(j), Family Code, is amended to
6 read as follows:

7 (j) On and after September 1, 2012 [~~2011~~], the department
8 may provide substitute care and case management services in an
9 emergency. The executive commissioner shall adopt rules describing
10 the circumstances in which the department may provide those
11 services.

12 SECTION 2. Section 45.054, Human Resources Code, is amended
13 by amending Subsections (a), (b), (e), (f), and (g) and adding
14 Subsection (e-1) to read as follows:

15 (a) The department shall implement, subject to the
16 determinations made in accordance with Subsection (e-1), the
17 privatization of substitute care and case management services on a
18 regional basis in accordance with the transition plan. The
19 transition plan must include a schedule with deadlines for
20 implementation of the plan. Subject to the requirements of
21 Subsections (c), (d), [~~and~~] (e), and (e-1), statewide
22 implementation of the plan shall be completed not later than
23 September 1, 2012 [~~2011~~]. The commission shall propose the first
24 three regions of the state for implementation of privatization

1 based on state demographics and shall consider including a rural
2 region, a metropolitan region, and a region including border areas
3 of the state.

4 (b) The transition plan must include a schedule with the
5 following deadlines for implementation of the plan:

6 (1) completion of the transition plan, not later than
7 March 1, 2006;

8 (2) release of a request for proposal for a geographic
9 region of the state designated by the department, not later than
10 April 30, 2006;

11 (3) the awarding and funding of the contract for
12 Region 8 [~~described by Subdivision (2)~~], not later than July 1, 2007
13 [~~September 30, 2006~~];

14 (4) establishment of the multidisciplinary team and
15 necessary processes, evaluation criteria, and monitoring tools to
16 be used to monitor and evaluate the performance of the contractor,
17 not later than July 1, 2007 [~~September 30, 2006~~];

18 (5) completion of the transition of substitute care
19 and case management services in Region 8 [~~the first region~~], not
20 later than May 31, 2008 [~~December 31, 2007~~];

21 (6) the review and evaluation of the multidisciplinary
22 team's reports pertaining to the contractor's achievement of
23 performance-based milestones and the effect on the quality of
24 permanency services provided, annually beginning May 31, 2008
25 [~~December 31, 2007~~];

26 (7) completion of the transition of substitute care
27 and case management services in the second and third regions, not

1 later than December 1, 2010 [~~2009~~]; and

2 (8) completion of the statewide implementation of
3 contracted substitute care and case management services for
4 additional geographic regions, not later than September 1, 2012
5 [~~2011~~].

6 (e) The department shall continue to implement the
7 transition plan for the second and third regions only after:

8 (1) the commission reports to the House Human Services
9 Committee, or its successor, and the Senate Health and Human
10 Services Committee, or its successor, the status of the initial
11 transition of services to a contractor in the first region not later
12 than September 1, 2007 [~~December 31, 2006~~];

13 (2) the independent third party with whom the
14 department contracts under Subsection (c) evaluates and reports to
15 the House Human Services Committee, or its successor, and the
16 Senate Health and Human Services Committee, or its successor, on
17 the performance of contracted substitute care and case management
18 services in the first region not later than May 31, 2009 [~~December~~
19 ~~31, 2008~~]; and

20 (3) the commission determines, based on the report
21 prepared under Subdivision (2) or information obtained by the
22 review required under Subsection (b)(6), whether material
23 modifications to the model for privatization of substitute care and
24 case management services are necessary and submits a report and
25 recommendations to the House Human Services Committee, or its
26 successor, and the Senate Health and Human Services Committee, or
27 its successor, not later than May 31, 2009 [~~December 31, 2008~~].

1 (e-1) The House Human Services Committee, or its successor,
2 and the Senate Health and Human Services Committee, or its
3 successor, shall evaluate the reports and recommendations of the
4 independent third party with whom the department contracts under
5 Subsection (c) and the commission's recommendation under
6 Subsection (e)(3) to determine whether the department shall
7 continue to implement the transition plan for the second and third
8 regions, based on the outcome of the demonstration region, Region
9 8.

10 (f) The department may not implement the transition plan for
11 the second and third regions before September 1, 2010 [~~2009~~].

12 (g) The department shall continue to implement the
13 transition plan for the remaining regions of the state only after:

14 (1) the independent third party with whom the
15 department contracts under Subsection (c) evaluates and reports to
16 the House Human Services Committee, or its successor, and the
17 Senate Health and Human Services Committee, or its successor, on
18 the performance of contracted substitute care and case management
19 services in the second and third regions not later than September 1,
20 2011 [~~2010~~]; and

21 (2) the commission determines, based on the report
22 prepared under Subdivision (1) or information obtained by the
23 review required under Subsection (b)(6), whether material
24 modifications to the model for privatization of substitute care and
25 case management services are necessary and submits a report and
26 recommendations to the House Human Services Committee, or its
27 successor, and the Senate Health and Human Services Committee, or

1 its successor, not later than December 31, 2011 [~~2010~~].

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.