

By: Zaffirini

S.B. No. 1503

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. Subsection (b), Section 531.252, Government
11 Code, is amended 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 may [~~consortium shall~~] review proposals
27 for expansion communities and approve the participation of those

1 communities [~~not more than six communities to participate in the~~
2 ~~initiative~~]. The selected communities must be those that best meet
3 the criteria developed 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. Subsections (a), (b), and (c), Section 531.255,
12 Government 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. Subsection (c), Section 531.422, Government
7 Code, is amended 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. Subchapter L, Chapter 531, Government Code, is
15 amended by adding Sections 531.425 and 531.426 to read as follows:

16 Sec. 531.425. CHILDREN'S BEHAVIORAL HEALTH COUNCIL.

17 (a) The Children's Behavioral Health Council is established to
18 provide a coordinated, comprehensive, interagency approach to the
19 development and delivery of behavioral health services to children.

20 (b) The council is composed of:

21 (1) one representative with decision-making authority
22 from each of the following state agencies, appointed by the chief
23 administrative officer of the respective agency:

24 (A) the Health and Human Services Commission;

25 (B) the Department of State Health Services;

26 (C) the Department of Family and Protective
27 Services;

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

3 (E) the Department of Aging and Disability
4 Services;

5 (F) the Texas Education Agency;

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

8 (H) the Texas Juvenile Probation Commission; and

9 (I) the Texas Youth Commission; and

10 (2) an equal number of representatives of the public
11 appointed by the governor, including:

12 (A) representatives of:

13 (i) children's mental health advocacy
14 groups;

15 (ii) organizations with expertise in
16 behavioral health issues involving children; and

17 (iii) providers of community-based
18 children's mental health services, including local mental health
19 authorities; and

20 (B) at least five representatives who:

21 (i) are family members of a child with a
22 mental health disorder; or

23 (ii) received mental health services as a
24 child.

25 (c) The members of the council shall annually elect one
26 agency representative and one public representative to serve as
27 co-chairs.

1 (d) The council shall:

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

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

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

10 (4) administer state grants for development of local
11 systems of care services;

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

14 (6) ensure a central role for the local mental health
15 authority in the expansion and operation of the local systems of
16 care;

17 (7) provide technical assistance and training to local
18 providers of systems of care services;

19 (8) design an integrated funding structure for the
20 provision of behavioral health services for children in accordance
21 with Section 531.426;

22 (9) assess the provision of behavioral health services
23 to children to eliminate duplication of efforts and identify
24 opportunities to consolidate those efforts; and

25 (10) assist the Mental Health Transformation
26 Workgroup in fulfilling the workgroup's responsibilities regarding
27 children's mental health services and coordinate the council's

1 activities with the workgroup.

2 (e) The council is administratively attached to the
3 commission. The commission, through the commission's Office of
4 Program Coordination for Children and Youth, shall provide
5 administrative support and resources to the council as necessary to
6 enable the council to perform its duties.

7 (f) A public member of the council may not receive
8 compensation for serving on the council, but is entitled to
9 reimbursement for travel expenses incurred while conducting the
10 business of the council, as provided by the General Appropriations
11 Act.

12 (g) The council is not subject to Chapter 2110.

13 Sec. 531.426. INTEGRATED FUNDING STRUCTURE FOR CERTAIN
14 BEHAVIORAL HEALTH SERVICES. (a) The council shall design an
15 integrated cross-agency funding structure for the provision of
16 behavioral health services to children.

17 (b) In creating the funding structure, the council shall
18 consider:

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

21 (2) the use of blended or braided funding
22 arrangements;

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

25 (4) the role of the local mental health authority as
26 the local funds manager responsible for local planning and network
27 development.

1 (c) The council may hire a consultant with nationally
2 recognized system of care expertise to assist with designing the
3 funding structure.

4 (d) Not later than December 1, 2008, the council shall
5 submit a report to the governor and the Legislative Budget Board
6 that:

7 (1) describes the funding structure designed by the
8 council; and

9 (2) identifies the steps necessary to implement the
10 structure, including identification of necessary statutory changes
11 or federal approvals.

12 (e) Subsection (d) and this subsection expire September 1,
13 2009.

14 SECTION 9. Effective December 1, 2008, Subchapter L,
15 Chapter 531, Government Code, is amended by adding Section 531.427
16 to read as follows:

17 Sec. 531.427. HOME AND COMMUNITY SERVICES FOR CHILDREN WITH
18 SEVERE EMOTIONAL DISTURBANCES. (a) The commission shall maximize
19 funding for home and community-based services for children with
20 severe emotional disturbances by providing those services, to the
21 greatest extent possible, through a Section 1915(c) waiver program
22 or other Medicaid program.

23 (b) In implementing a program to deliver services to
24 children with severe emotional disturbances under Subsection (a),
25 the commission shall develop a plan to assist a child receiving
26 services delivered through the program when the child transitions
27 out of the program.

1 SECTION 10. (a) Subdivision (3), Section 531.421,
2 Government Code, is repealed.

3 (b) Sections 531.423 and 531.424, Government Code, are
4 repealed.

5 SECTION 11. (a) Not later than October 1, 2007, the chief
6 administrative officer of each agency listed in Subsection (b),
7 Section 531.425, Government Code, as added by this Act, shall
8 appoint the agency's representative to the Children's Behavioral
9 Health Council established by that section.

10 (b) Not later than October 1, 2007, the governor shall
11 appoint the public members of the Children's Behavioral Health
12 Council established by Section 531.425, Government Code, as added
13 by this Act.

14 SECTION 12. Not later than December 1, 2008, the Health and
15 Human Services Commission shall submit a report to the standing
16 committees of the senate and house of representatives having
17 primary jurisdiction over the state Medicaid program regarding the
18 commission's plan for maximizing funding in accordance with Section
19 531.427, Government Code, as added by this Act, including detailed
20 information regarding:

21 (1) any Section 1915(c) waiver program, as defined by
22 Section 531.001, Government Code, or Medicaid program that will be
23 used to maximize funding;

24 (2) the categories of funding that will be blended;

25 (3) the effects of the maximization of funding on:

26 (A) the services available; and

27 (B) the method of delivering the services; and

1 (4) any other information relevant to the maximization
2 of funding, as determined by the commission.

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

8 SECTION 14. Except as otherwise provided by this Act, this
9 Act takes effect September 1, 2007.