

1-1 By: Zaffirini S.B. No. 1503
1-2 (In the Senate - Filed March 8, 2007; March 20, 2007, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 May 8, 2007, reported adversely, with favorable Committee
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1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1503 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to behavioral health services for children and
1-11 establishment of the Children's Behavioral Health Council.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 531.251, Government Code, is amended to
1-14 read as follows:

1-15 Sec. 531.251. TEXAS INTEGRATED FUNDING INITIATIVE PILOT
1-16 PROJECT [CONSORTIUM]; DEFINITION; EXPANSION PLAN. (a) In this
1-17 subchapter, "council" means the Children's Behavioral Health
1-18 Council established under Section 531.425.

1-19 (a-1) The council [commission] shall [form a consortium to]
1-20 develop criteria for and implement the expansion of the Texas
1-21 Integrated Funding Initiative pilot project and [to] develop local
1-22 mental health care systems in communities for minors who are
1-23 receiving residential mental health services or who are at risk of
1-24 residential placement to receive mental health services. [The
1-25 consortium must include representatives of the Texas Department of
1-26 Mental Health and Mental Retardation, Department of Protective and
1-27 Regulatory Services, Texas Education Agency, Texas Youth
1-28 Commission, Texas Juvenile Probation Commission, and Texas
1-29 Commission on Alcohol and Drug Abuse and an equal number of family
1-30 advocates.]

1-31 (b) The commission and the council [consortium] shall:

1-32 (1) develop a model and guidelines for the delivery of
1-33 mental health services and support to a minor, initiated before the
1-34 person's 18th birthday, including best practices in the financing,
1-35 administration, governance, and delivery of those services;

1-36 (2) establish a plan to expand the Texas Integrated
1-37 Funding Initiative [~~so that the initiative may operate in up to six~~
1-38 ~~communities]; and~~

1-39 (3) identify appropriate sources of state and federal
1-40 funding to finance mental health services under the initiative from
1-41 a central fund for expansion communities.

1-42 SECTION 2. Subsection (b), Section 531.252, Government
1-43 Code, is amended to read as follows:

1-44 (b) The commission and the council [consortium] shall
1-45 develop criteria to evaluate proposals for selecting expansion
1-46 communities to participate in the expanded initiative. The
1-47 criteria must:

1-48 (1) reflect the underlying principles of the Texas
1-49 Integrated Funding Initiative;

1-50 (2) emphasize services that are culturally competent,
1-51 family-centered, and seamless;

1-52 (3) identify populations to be served under the
1-53 proposals;

1-54 (4) establish for the expansion communities service
1-55 outcome goals related to minors who are receiving residential
1-56 mental health services or who are at risk of residential placement
1-57 to receive mental health services, including:

1-58 (A) decreasing incidents of abuse or neglect of
1-59 the minors;

1-60 (B) reducing recidivism rates of juvenile
1-61 offenders;

1-62 (C) increasing school attendance and progress of
1-63 the minors;

2-1 (D) reducing the rate of placement of the minors
2-2 in residential treatment;

2-3 (E) increasing the rate of reunification of the
2-4 minors with their families;

2-5 (F) improving the emotional, behavioral, and
2-6 social adjustment of the minors; and

2-7 (G) improving the stability of placements of the
2-8 minors;

2-9 (5) provide for locations of participating
2-10 communities in urban, suburban, and rural settings; and

2-11 (6) specify information that must be provided in a
2-12 proposal for a community, including:

2-13 (A) information on the costs of the activities
2-14 proposed; and

2-15 (B) the characteristics of minors in the
2-16 community who are in residential care for mental health services or
2-17 who are at risk of being placed in residential care to receive
2-18 mental health services.

2-19 SECTION 3. Section 531.253, Government Code, is amended to
2-20 read as follows:

2-21 Sec. 531.253. SELECTION OF EXPANSION COMMUNITIES. The
2-22 commission and the council ~~[consortium shall]~~ review proposals
2-23 for expansion communities and approve the participation of those
2-24 communities ~~[not more than six communities to participate in the~~
2-25 ~~initiative]~~. The selected communities must be those that best meet
2-26 the criteria developed under Section 531.252.

2-27 SECTION 4. Section 531.254, Government Code, is amended to
2-28 read as follows:

2-29 Sec. 531.254. SYSTEM DEVELOPMENT COLLABORATION. The
2-30 commission, the council ~~[consortium]~~, and the expansion
2-31 communities shall collaborate to develop and shall share technical
2-32 assistance and training resources to aid communities in developing
2-33 local systems for delivering mental health services to minors.

2-34 SECTION 5. Subsections (a), (b), and (c), Section 531.255,
2-35 Government Code, are amended to read as follows:

2-36 (a) The commission and the council ~~[Texas Department of~~
2-37 ~~Mental Health and Mental Retardation]~~ jointly shall monitor the
2-38 progress of the expansion communities.

2-39 (b) The commission, the council ~~[consortium]~~, and the
2-40 expansion communities shall collaborate to develop a system to
2-41 evaluate the success of the expansion communities in achieving
2-42 outcome goals for the minors the communities serve, including
2-43 outcome goals developed under Section 531.252. An evaluation under
2-44 the system must include information on cost avoidance and net
2-45 savings that result from participation in the initiative.

2-46 (c) Each expansion community shall identify the baseline
2-47 information to compare with the information on outcomes in
2-48 evaluating the achievements of the community. A community is
2-49 responsible for collecting and reporting outcome information to the
2-50 commission and the council in accordance with the requirements of
2-51 the evaluation system developed under Subsection (b).

2-52 SECTION 6. Section 531.421, Government Code, is amended by
2-53 adding Subdivision (3-a) to read as follows:

2-54 (3-a) "Council" means the Children's Behavioral Health
2-55 Council established under Section 531.425.

2-56 SECTION 7. Subsection (c), Section 531.422, Government
2-57 Code, is amended to read as follows:

2-58 (c) Each community resource coordination group shall submit
2-59 the report described by Subsection (b) to the council ~~[consortium]~~.
2-60 The council ~~[consortium]~~ shall provide a deadline to each group for
2-61 submitting the reports. The time frame for completing the reports
2-62 must be coordinated with any regional reviews by the commission of
2-63 the delivery of related services.

2-64 SECTION 8. Subchapter L, Chapter 531, Government Code, is
2-65 amended by adding Sections 531.425 and 531.426 to read as follows:

2-66 Sec. 531.425. CHILDREN'S BEHAVIORAL HEALTH COUNCIL.

2-67 (a) The Children's Behavioral Health Council is established to
2-68 provide a coordinated, comprehensive, interagency approach to the
2-69 development and delivery of behavioral health services to children.

3-1 **(b) The council is composed of:**
3-2 **(1) one representative with decision-making authority**
3-3 **from each of the following state agencies, appointed by the chief**
3-4 **administrative officer of the respective agency:**
3-5 **(A) the Health and Human Services Commission;**
3-6 **(B) the Department of State Health Services;**
3-7 **(C) the Department of Family and Protective**
3-8 **Services;**
3-9 **(D) the Department of Assistive and**
3-10 **Rehabilitative Services;**
3-11 **(E) the Department of Aging and Disability**
3-12 **Services;**
3-13 **(F) the Texas Education Agency;**
3-14 **(G) the Texas Correctional Office on Offenders**
3-15 **with Medical or Mental Impairments;**
3-16 **(H) the Texas Juvenile Probation Commission; and**
3-17 **(I) the Texas Youth Commission; and**
3-18 **(2) an equal number of representatives of the public**
3-19 **appointed by the governor, including:**
3-20 **(A) representatives of:**
3-21 **(i) children's mental health advocacy**
3-22 **groups;**
3-23 **(ii) organizations with expertise in**
3-24 **behavioral health issues involving children; and**
3-25 **(iii) providers of community-based**
3-26 **children's mental health services, including local mental health**
3-27 **authorities; and**
3-28 **(B) at least five representatives who:**
3-29 **(i) are family members of a child with a**
3-30 **mental health disorder; or**
3-31 **(ii) received mental health services as a**
3-32 **child.**
3-33 **(c) The members of the council shall annually elect one**
3-34 **agency representative and one public representative to serve as**
3-35 **co-chairs.**
3-36 **(d) The council shall:**
3-37 **(1) develop and implement coordinated state policies**
3-38 **to improve the behavioral health of children;**
3-39 **(2) develop a coordinated system for planning and**
3-40 **budgeting that establishes priorities and strategies for the**
3-41 **coordinated delivery of behavioral health services to children;**
3-42 **(3) develop a coordinated system to track and report**
3-43 **spending on behavioral health services for children by agencies**
3-44 **represented by a member of the council;**
3-45 **(4) administer state grants for development of local**
3-46 **systems of care services;**
3-47 **(5) develop a plan to support the statewide expansion**
3-48 **of local systems of care services;**
3-49 **(6) ensure a central role for the local mental health**
3-50 **authority in the expansion and operation of the local systems of**
3-51 **care;**
3-52 **(7) provide technical assistance and training to local**
3-53 **providers of systems of care services;**
3-54 **(8) design an integrated funding structure for the**
3-55 **provision of behavioral health services for children in accordance**
3-56 **with Section 531.426;**
3-57 **(9) assess the provision of behavioral health services**
3-58 **to children to eliminate duplication of efforts and identify**
3-59 **opportunities to consolidate those efforts; and**
3-60 **(10) assist the Mental Health Transformation**
3-61 **Workgroup in fulfilling the workgroup's responsibilities regarding**
3-62 **children's mental health services and coordinate the council's**
3-63 **activities with the workgroup.**
3-64 **(e) The council is administratively attached to the**
3-65 **commission. The commission, through the commission's Office of**
3-66 **Program Coordination for Children and Youth, shall provide**
3-67 **administrative support and resources to the council as necessary to**
3-68 **enable the council to perform its duties.**
3-69 **(f) A public member of the council may not receive**

4-1 compensation for serving on the council, but is entitled to
4-2 reimbursement for travel expenses incurred while conducting the
4-3 business of the council, as provided by the General Appropriations
4-4 Act.

4-5 (g) The council is not subject to Chapter 2110.
4-6 Sec. 531.426. INTEGRATED FUNDING STRUCTURE FOR CERTAIN
4-7 BEHAVIORAL HEALTH SERVICES. (a) The council shall design an
4-8 integrated cross-agency funding structure for the provision of
4-9 behavioral health services to children.

4-10 (b) In creating the funding structure, the council shall
4-11 consider:

4-12 (1) the use of existing categorical or noncategorical
4-13 federal, state, and local funds;

4-14 (2) the use of blended or braided funding
4-15 arrangements;

4-16 (3) which funds should be included in the funding
4-17 structure and how the funds should be structured; and

4-18 (4) the role of the local mental health authority as
4-19 the local funds manager responsible for local planning and network
4-20 development.

4-21 (c) The council may hire a consultant with nationally
4-22 recognized system of care expertise to assist with designing the
4-23 funding structure.

4-24 (d) Not later than December 1, 2008, the council shall
4-25 submit a report to the governor and the Legislative Budget Board
4-26 that:

4-27 (1) describes the funding structure designed by the
4-28 council; and

4-29 (2) identifies the steps necessary to implement the
4-30 structure, including identification of necessary statutory changes
4-31 or federal approvals.

4-32 (e) Subsection (d) and this subsection expire September 1,
4-33 2009.

4-34 SECTION 9. Effective December 1, 2008, Subchapter L,
4-35 Chapter 531, Government Code, is amended by adding Section 531.427
4-36 to read as follows:

4-37 Sec. 531.427. HOME AND COMMUNITY SERVICES FOR CHILDREN WITH
4-38 SEVERE EMOTIONAL DISTURBANCES. (a) The commission shall maximize
4-39 funding for home and community-based services for children with
4-40 severe emotional disturbances by providing those services, to the
4-41 greatest extent possible, through a Section 1915(c) waiver program
4-42 or other Medicaid program.

4-43 (b) In implementing a program to deliver services to
4-44 children with severe emotional disturbances under Subsection (a),
4-45 the commission shall develop a plan to assist a child receiving
4-46 services delivered through the program when the child transitions
4-47 out of the program.

4-48 SECTION 10. (a) Subdivision (3), Section 531.421,
4-49 Government Code, is repealed.

4-50 (b) Sections 531.423 and 531.424, Government Code, are
4-51 repealed.

4-52 SECTION 11. (a) Not later than October 1, 2007, the chief
4-53 administrative officer of each agency listed in Subsection (b),
4-54 Section 531.425, Government Code, as added by this Act, shall
4-55 appoint the agency's representative to the Children's Behavioral
4-56 Health Council established by that section.

4-57 (b) Not later than October 1, 2007, the governor shall
4-58 appoint the public members of the Children's Behavioral Health
4-59 Council established by Section 531.425, Government Code, as added
4-60 by this Act.

4-61 SECTION 12. Not later than December 1, 2008, the Health and
4-62 Human Services Commission shall submit a report to the standing
4-63 committees of the senate and house of representatives having
4-64 primary jurisdiction over the state Medicaid program regarding the
4-65 commission's plan for maximizing funding in accordance with Section
4-66 531.427, Government Code, as added by this Act, including detailed
4-67 information regarding:

4-68 (1) any Section 1915(c) waiver program, as defined by
4-69 Section 531.001, Government Code, or Medicaid program that will be

5-1 used to maximize funding;
5-2 (2) the categories of funding that will be blended;
5-3 (3) the effects of the maximization of funding on:
5-4 (A) the services available; and
5-5 (B) the method of delivering the services; and
5-6 (4) any other information relevant to the maximization
5-7 of funding, as determined by the commission.

5-8 SECTION 13. The changes in law made by this Act to
5-9 Subchapter G-1, Chapter 531, Government Code, do not affect the
5-10 funding for or provision of services by a community participating
5-11 in the Texas Integrated Funding Initiative under that subchapter
5-12 before the effective date of this Act.

5-13 SECTION 14. Except as otherwise provided by this Act, this
5-14 Act takes effect September 1, 2007.

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