

BILL ANALYSIS

C.S.H.B. 3259
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas' system of serving children and youth is fragmented and disconnected among 10 different state agencies. There is no single agency in Texas responsible for coordinating or overseeing the 10 state agencies and various local entities that serve children and youth. The lack of coordination and accountability produces significant challenges to statewide tracking of spending on children's services and increases the possibility of unnecessary duplication of efforts. It also makes it difficult for executive-level agency leadership to establish priorities and assess potential gaps for services to Texas children and youth.

In addition, the lack of coordination across agencies leaves children and families feeling confused, frustrated, and overwhelmed as they try to navigate the system and access services from multiple agencies and disconnected programs.

Other states have created cross-agency coordinating bodies to fundamentally change fragmented service delivery to children and youth. As of May 2008, 15 states had a Children's Cabinet, and 9 other states had a high-level council, commission, or collaboration on children and youth.

C.S.H.B. 3259 establishes the Council on Children and Families to be administered through the Office of Program Coordination for Children and Youth in the Health and Human Services Commission. The bill requires the commissioner or executive directors of each state agency serving children and youth to be a member of the council and sets forth the required duties of the council. The bill requires the council to submit a report not later than December 1 of each even-numbered year to the governor, lieutenant governor, speaker of the house of representatives and the legislature with requests, plans, and recommendations of the council to develop and maintain a statewide system of health and human services for children and families. The bill also establishes the Children's Behavioral Health Council to provide a coordinated, comprehensive, interagency approach to the development and delivery of behavioral health services to children.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3259 amends the Government Code to establish the Children's Behavioral Health Council to provide a coordinated, comprehensive, interagency approach to the development and delivery of behavioral health services to children. The bill sets forth the composition of the behavioral health council, the election of co-chairs of the council, and meeting requirements. The bill requires the behavioral health council to develop and implement coordinated state policies to improve the behavioral health of children; develop a coordinated system for planning and budgeting that establishes priorities and strategies for the coordinated delivery of behavioral health services to children; develop a coordinated system to track and report spending on those services by agencies represented on the behavioral health council; oversee the administration of

certain state grants for development of local systems of care services; develop a plan to support the statewide expansion of local systems of care services; to ensure a central role for the local mental health authority in the expansion and operation of the local systems of care; provide technical assistance and training to local providers of systems of care services; design an integrated funding structure for the provision of behavioral health services for children; assess the provision of those services to children to eliminate duplication of efforts and identify opportunities to consolidate those efforts; oversee the work of community resource coordination groups under provisions relating to the provision of services for certain children with multiagency needs; assist the Mental Health Transformation Workgroup in fulfilling certain workgroup responsibilities and coordinate the behavioral health council's activities with the workgroup; and assist the Council on Children and Families in fulfilling that council's duties and coordinate activities with that council.

C.S.H.B. 3259 establishes that the behavioral health council is administratively attached to the Health and Human Services Commission (HHSC), and requires HHSC, through the commission's Office of Program Coordination for Children and Youth, to provide administrative support and resources to the behavioral health council as necessary to enable the council to perform its duties. The bill exempts the behavioral health council from provisions regarding state agency advisory committees.

C.S.H.B. 3259 establishes the Council on Children and Families to coordinate the state's health, education, and human services systems to ensure that all children and families have access to needed services; improve coordination and efficiency in state agencies, advisory councils on issues affecting children, and local levels of service; prioritize and mobilize resources for children; and facilitate an integrated approach to providing services for children and youth. The bill requires the council to promote a common vision of desired outcomes for children and youth and of family and community supports; promote shared accountability for outcomes for children and youth; and align allocations of resources with policies for children and youth. The bill sets forth the composition of the council, authorization for a chief administrative officer of a member agency to designate an individual to act on behalf of the officer, meeting procedures, and procedures for electing a presiding officer. The bill provides that the council is administratively attached to the HHSC but is independent of direction by HHSC or the executive commissioner. The bill requires HHSC, through HHSC's Office of Program Coordination for Children and Youth, to provide administrative support and resources to the council as necessary to enable the council to perform its duties. The bill requires the agencies represented on the council to provide periodic staff support of specialists as needed to the council. The bill provides that the council is not subject to provisions regarding state agency advisory committees.

C.S.H.B. 3259 requires the council to analyze the biennial legislative appropriations requests of members of the council for services provided to children and their families and identify appropriations that, through the coordination of members of the council, could be modified in the next legislative appropriation request to eliminate waste or increase available services and, not later than May 1 of each even-numbered year, prepare a report recommending those modifications for consideration during the development of the next biennial legislative appropriations request; investigate opportunities to increase flexible funding for health, education, and human services provided to children and their families; identify methods to remove barriers to local coordination of health, education, and human services provided to children and their families; identify methods to ensure that all children and youth receive appropriate assessment, diagnosis, and intervention services; develop methods to prevent unnecessary parental relinquishment of custody of children; prioritize assisting children in family settings, rather than institutional settings; and make recommendations about family involvement in the provision and planning of health, education, and human services for a child, including family partner and liaison models.

C.S.H.B. 3259 authorizes the state agency members of the council to, as appropriate, enter into memoranda of understanding with other agencies to implement any method, process, policy, or

recommendation identified or developed by the council under the bill's provisions. The bill requires the council, before a method, process, policy, or recommendation is implemented, to identify the timeline and proposed outcome of implementing the method, process, policy, or recommendation, and benchmarks that may be used to measure the success of the implementation of the method, process, policy, or recommendation; and assign to the appropriate members of the council responsibility for implementing the method, process, policy, or recommendation. The bill authorizes the council to collect data necessary to conduct the council's duties or implement the council's recommendations and requires the council to use any reports or information produced by other entities related to children, youth, and families to inform the council.

C.S.H.B. 3259 requires the council to submit, not later than December 1 of each even-numbered year, a report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature that contains the requests, plans, and recommendations of the council, including recommendations of any legislation that is needed to further develop and maintain a statewide system of quality health, education, and human services for children and families, and that contains information regarding the implementation by the members of the council of any method, process, policy, or recommendation, including information regarding whether the implementation has proceeded in accordance with the timeline, outcome, and benchmarks identified by the council.

C.S.H.B. 3259 requires the chief administrative officer of each member agency to the Children's Behavioral Health Council to appoint the agency's representative to that council not later than October 1, 2009. The bill requires the executive commissioner of HHSC to appoint the public members of the Children's Behavioral Health Council not later than October 1, 2009. The bill makes the Council on Children and Families subject to the Texas Sunset Act and provides for the abolishment of the council and the expiration of related provisions on September 1, 2019, unless the council is continued in existence. The bill requires the council to convene its initial meeting not later than October 1, 2009.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3259 adds provisions not in the original establishing the Children's Behavioral Health Council and setting out its duties. The substitute adds provisions not in the original to expand the purposes for which the Council on Children and Families is established relating to improved coordination and efficiency, prioritizing and mobilizing resources, and facilitating an integrated approach to providing services. The substitute differs from the original by including actions that the council is required to take in carrying out its duties. The substitute adds provisions not in the original to add to council's members the director of the Texas Correctional Office on Offenders with Medical or Mental Impairments, two public representatives who are parents of children who have received services from an agency represented on the council, appointed by the executive commissioner of the Health and Human Services Commission, and two representatives who are young adults or adolescents who have received services from an agency represented on the council, appointed by the executive commissioner, and makes a conforming change relating to the addition of non-state agency officials to the membership of that council.

C.S.H.B. 3259 adds a provision not in the original to establish that meetings of the Council on Children and Families are held at the call of the presiding officer. The substitute differs from the original by requiring the council to analyze the biennial legislative appropriations requests of members of the council for services provided to children and their families, identify appropriations that could be modified, and prepare a report recommending those modifications,

whereas the original requires the council to develop an interagency legislative appropriations request regarding health, education, and human services provided to children and their families. The substitute adds a provision not in the original authorizing the state agency members of the council to enter into memoranda of understanding with other agencies, and sets forth the actions the council is required to take before a method, process, policy, or recommendation related to the council's required duties is implemented. The substitute adds a provision not in the original that authorizes the council to collect data necessary to the council's functions and requires the council to use any reports or information produced by other entities related to the council's functions to inform the council.

C.S.H.B. 3259 differs from the original by requiring the council to submit a report each even-numbered year, rather than a single report as in the original. The substitute adds a provision not in the original to add to the information required to be contained in the council's report information regarding the implementation by the council members of a method, process, policy, or recommendation related to the council's required duties.

C.S.H.B. 3259 differs from the original by changing the sunset date for the council from September 1, 2015, to September 1, 2019.

C.S.H.B. 3259 adds provisions not in the original to require the chief administrative officer of each member agency to the Children's Behavioral Health Council to appoint the agency's representative to the behavioral health council and to require the executive commissioner to appoint the public members of the behavioral health council not later than October 1, 2009.