

BILL ANALYSIS

S.B. 1824
By: Lucio
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, there is no strategic plan in Texas for coordinating services for children with special needs. Although the state expends a number of resources on assisting these children, the current system is piecemeal and lacks efficiency.

S.B. 1824 creates the Task Force for Children with Special Needs (task force) to improve the coordination and quality of services for children and young people with special needs. The proposed task force—composed of a representative of a local mental health authority or a local mental retardation authority, state agency leaders, legislators, and parents or consumer advocates—would create a coordinated strategic plan for improving service delivery for children ages zero to 21 with serious mental illness, developmental disabilities, and chronic illness. To assure that all service areas are thoroughly addressed by the task force, the bill establishes subcommittees to focus on specific issues, including education, healthcare, transitioning youth, early childhood detection/intervention, juvenile justice, and mental health, and requires each subcommittee to report findings and related recommendations to the task force at least once a year.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Subtitle E, Title 2, Health and Safety Code, by adding Chapter 115, as follows:

CHAPTER 115. TASK FORCE FOR CHILDREN WITH SPECIAL NEEDS

Sec. 115.001. DEFINITIONS. Defines "children with special needs," "commission," "executive commissioner," and "task force."

Sec. 115.002. TASK FORCE FOR CHILDREN WITH SPECIAL NEEDS. Requires the governor, or the governor's designee, to oversee the Interagency Task Force for Children with Special Needs (task force) created and administered by the Health and Human Services Commission (HHSC) to improve the coordination, quality, and efficiency of services for children with special needs.

Sec. 115.003. DUTIES. Requires the task force to coordinate with federal agencies, not later than September 1, 2010, to compile a list of opportunities to increase flexible funding for services for children with special needs, including alternative funding sources and service delivery options; conduct a review of state agency policies and procedures related to service delivery for children with special needs; perform a needs assessment, including public hearings to identify service delivery gaps, system entry points, and service obstacles; and develop a five-year plan to improve the coordination, quality, and efficiency of services for children with special needs under Section 115.004.

Sec. 115.004. TASK FORCE PLAN. (a) Requires the task force, in developing the five-year plan under this chapter, to identify the party responsible for each action set forth

in the plan and set deadlines for implementation of each recommendation; create benchmarks to measure progress toward goals and objectives; consult with the Legislative Budget Board to coordinate relevant cost studies and account for long-term savings of short-term child investments; consult with personnel from other states to identify best practices; consult with the state demographer and relevant federal agencies to account for future demographic trends; consult with pediatric specialists and other health care providers to determine best medical practices; coordinate with mental health and developmental disability advocates; and develop a timeline for plan implementation.

(b) Requires the plan created under this chapter to provide recommendations to maximize the use of federal funds available to this state for the purposes described by Section 115.002; reduce the number of families who experience crisis due to insufficient and ineffective interventions or services or lack of coordination and planning of interventions or services; improve families' ability to navigate the system through improved coordination between service providers and increased outreach; remove barriers to local coordination of services and supports; evaluate the feasibility of creating an interagency legally authorized representative program to provide support services for children with special needs; improve early detection and intervention services; increase the number of community-based options for children with special needs; improve accountability for each agency represented on the task force and other service providers; reduce existing fragmentation of service delivery to reflect best practices and eliminate ineffective interventions; reduce service gaps and overlap; improve data management; prevent unnecessary parental relinquishment of custody; create a core set of quality measures to determine quality of care and improvements to quality of life; and improve availability of high-quality community-based acute and long-term care services and supports.

Sec. 115.005. MEMORANDUM OF UNDERSTANDING. Requires the governor's office and each agency represented on the task force to enter into a memorandum of understanding to implement the task force's duties under this chapter.

Sec. 115.006. REPORT. (a) Requires the task force to submit a biennial report on the progress of each agency represented on the task force in accomplishing the goals described by Section 115.002 to the governor, lieutenant governor, and speaker of the house of representatives.

(b) Requires that the report include stakeholder input, including testimony from parents in each health and human services district; progress toward meeting each goal outlined in the plan under Section 115.004; current barriers that prevent accomplishing each goal listed in Subdivision (2); additional resource needs; current resources that could be redirected for more efficient and effective use; amendments to the plan under this chapter; recommendations and proposed legislation to help fulfill the goals of this chapter; and feasibility statements on related recommendations.

(c) Requires the task force to publish the report on HHSC's website.

Sec. 115.007. COMPOSITION. (a) Provides that the task force consists of the commissioner, the executive director or director, or a deputy or assistant commissioner of HHSC, designated by the executive commissioner; the Department of Aging and Disability Services, designated by the commissioner of that agency; the Department of Assistive and Rehabilitative Services, designated by the commissioner of that agency; the division of early childhood intervention services, designated by the commissioner of the Department of Assistive and Rehabilitative Services; the Department of Family and Protective Services, designated by the commissioner of that agency; the Department of State Health Services, designated by the commissioner of that agency; the Texas Education Agency (TEA), designated by the commissioner of that agency; the Texas Youth Commission (TYC), designated by the executive commissioner of that agency; the Texas Juvenile Probation Commission, designated by the executive director of that agency; and

the Texas Correctional Office on Offenders with Medical or Mental Impairments, designated by the director of that office; and eight nonvoting members who are: a representative of a local mental health authority or a local mental retardation authority, appointed by the governor; two members of the house of representatives, appointed by the speaker of the house of representatives; two senators, appointed by the lieutenant governor; and three parents or consumer advocates, one each appointed by HHSC, TEA, and TYC.

(b) Authorizes the members of the task force appointed under Subsection (a)(2)(D) (relating to three parents or consumer advocates) to serve a five-year term or to elect to serve for a shorter period.

Sec. 115.008. MEETINGS. (a) Requires the task force to meet at least once each quarter.

(b) Requires the task force to provide an opportunity for statewide public participation in at least two meetings in each calendar year.

(c) Requires that all meetings of the task force be conducted in accordance with Chapter 551 (Open Meetings), Government Code.

Sec. 115.009. INTERAGENCY COORDINATOR; STAFF. (a) Requires the governor to appoint an interagency coordinator from HHSC as the presiding officer of the task force.

(b) Requires the interagency coordinator to hire a full-time director and administrative assistant to support the duties and functions of the task force.

Sec. 115.010. TASK FORCE DIRECTOR. Requires the task force director hired by the interagency coordinator under Section 115.009 to prepare on behalf of the task force the plan and reports required under this chapter; work with each task force representative to schedule meetings and deadlines relevant to the representative's agency; and work with the interagency coordinator to assign subcommittee leadership positions under Section 115.011.

Sec. 115.011. SUBCOMMITTEES. (a) Requires the interagency coordinator, assisted by the task force director, to establish subcommittees to address early childhood detection and intervention; education; health care; transitioning youth; crisis prevention and intervention; juvenile justice; long-term, community-based services and supports; and mental health.

(b) Requires each subcommittee to include at least one task force member to serve as chair. Requires members, consistent with the purpose of each subcommittee, to consult with relevant advocacy organizations, staff from related agencies, and parents or consumers who have used related services.

(c) Requires each subcommittee to report the subcommittee's findings and related recommendations at a task force meeting at least once each year. Requires the subcommittee, on a biennial basis, to provide a written report with findings and recommendations not less than two months before the scheduled release of the task force report under this chapter.

Sec. 115.012. SUNSET PROVISION. The Interagency Task Force on Children With Special Needs is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the task force is abolished and this subchapter expires September 1, 2015.

SECTION 2. (a) Requires the governor to appoint the interagency coordinator of the task force as required by Section 115.009, Health and Safety Code, as added by this Act; and the lieutenant governor, speaker of the house of representatives, and executive commissioner, commissioner, executive director, or director of each entity listed under

Section 115.007, Health and Safety Code, as added by this Act, to appoint to members of the task force established by Chapter 115, Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

(b) Requires the task force to hold an organizational meeting not later than September 30, 2009.

(c) Requires the interagency coordinator to appoint the subcommittees created under Section 115.011, Health and Safety Code, as added by this Act, not later than December 1, 2009.

(d) Requires that the plan required under Chapter 115, Health and Safety Code, as added by this Act, be submitted to the 82nd Legislature not later than September 1, 2011.

SECTION 3. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such waivers or authorizations are granted.

SECTION 4. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.