

AN ACT

relating to establishing a local behavioral health intervention pilot project.

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

SECTION 1. (a) The Department of State Health Services shall establish a local behavioral health intervention pilot project for children in Bexar County.

(b) In implementing the pilot project, the department shall require a local mental health authority serving Bexar County to:

(1) enter into a memorandum of understanding or other agreement with state and local agencies that work directly with children, including the Department of State Health Services, the Department of Family and Protective Services, the Texas Youth Commission, and the Texas Education Agency, to:

(A) permit collaboration in the provision of uniform early intervention behavioral health services to children;

(B) identify children, with written consent from parents or guardians, who are at risk of placement in an alternative setting for behavior management, in accordance with behavioral standards established by the Texas Education Agency and local school district policy, or intervention by the juvenile justice or child protective services systems; and

(C) with written consent from parents or guardians, divert children identified under Paragraph (B) to a

1 system of care services to reduce gaps or inefficiencies in the
2 provision of care;

3 (2) develop, in collaboration with the state and local
4 agencies, a best practices plan regarding:

5 (A) informed consent and confidentiality
6 practices;

7 (B) a consent form:

8 (i) by which parents may give or refuse
9 consent to share information with a specific agency or provider
10 that collaborates in the provision of treatment or service to a
11 child;

12 (ii) that informs a parent that the parent
13 has the right to withhold consent and may withdraw consent at any
14 time; and

15 (iii) that informs the parent of the type of
16 information that an agency or provider may share if the parent
17 consents;

18 (C) uniform referral processes between systems
19 and agencies related to behavioral health services;

20 (D) the delivery of early intervention and
21 treatment services;

22 (E) an information exchange process between
23 agencies to facilitate faster identification and assessment of
24 behavioral health problems and integrate service delivery; and

25 (F) an information exchange process between each
26 parent of a child participating in the pilot project and the
27 agencies and providers involved in the project to assist the parent

1 in remaining informed regarding the evaluations performed in
2 relation to the child and any conclusions or recommended treatment
3 options resulting from those evaluations or decisions that need to
4 be made by the parent as a result of an evaluation;

5 (3) identify outcome measures that may be used to
6 measure the efficiency of coordination;

7 (4) ensure that an extensive listing of providers is
8 available for children and their families, including information
9 regarding the services offered and the behavioral health issues
10 addressed by the provider; and

11 (5) ensure that parents, agencies, and providers
12 participating in the pilot project are informed that a parent or
13 child may not be penalized for refusing to consent to the
14 information sharing or services under the pilot project.

15 (c) In order to facilitate the pilot project and identify
16 children in accordance with Subsection (b)(1)(B), a local mental
17 health authority serving Bexar County, the Department of State
18 Health Services, the Department of Family and Protective Services,
19 the Texas Youth Commission, the Texas Education Agency, and local
20 school districts may, with the consent of the child's parents or
21 guardians:

22 (1) disclose information relating to a child,
23 including information concerning the child's identity, needs,
24 treatment, social, criminal, and educational history, probation or
25 supervision status and compliance with the conditions of the
26 child's probation or supervision, and medical or mental health
27 history, if the disclosure serves a purpose of the pilot project;

1 (2) accept information relating to a child that serves
2 a purpose of the pilot project, regardless of whether other state
3 law makes that information confidential; and

4 (3) before sharing information under this section,
5 enter into a memorandum of understanding with another local or
6 state governmental entity to specify:

7 (A) the types of information that may be
8 exchanged among agencies under this section without violating any
9 applicable provisions of federal law, including any federal funding
10 requirements; and

11 (B) the protocols for information sharing,
12 including methods for ensuring the continued protection of
13 confidential information by the recipient of the information.

14 (d) This section does not affect the confidential status of
15 the information being shared.

16 (e) The department may use funds for crisis prevention
17 programs in collaboration with funds from local authorities,
18 including school districts and criminal justice agencies, to
19 implement the pilot project.

20 (f) Not later than December 1, 2010, the local mental health
21 authority involved in the pilot project shall submit a report to the
22 department regarding the local behavioral health intervention
23 pilot project, including:

24 (1) a comprehensive analysis of the efficacy of the
25 project; and

26 (2) the local authority's findings and
27 recommendations.

1 (g) In implementing the pilot project, the Department of
2 State Health Services shall ensure that a parent of a child involved
3 in the project is provided with reasonable, standardized complaint
4 procedures for making complaints regarding the pilot project or an
5 agency or provider involved in the pilot project.

6 (h) The Department of State Health Services shall ensure
7 that the pilot project:

8 (1) is operated without regard to the race, color,
9 disability, sex, age, national origin, or religion of the
10 individuals involved in the pilot project; and

11 (2) does not disproportionately target or negatively
12 impact minorities.

13 (i) This section does not authorize the implementation of
14 school-based mental health screening.

15 (j) This Act expires September 1, 2011.

16 SECTION 2. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1232 was passed by the House on April 9, 2009, by the following vote: Yeas 148, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1232 on May 21, 2009, by the following vote: Yeas 138, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1232 was passed by the Senate, with amendments, on May 18, 2009, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor