

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Menendez

H.B. No. 1232

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to establishing a local behavioral health intervention  
3 pilot project.

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

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

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

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

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

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

23 (C) with written consent from parents or  
24 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) uniform behavioral health screening for  
8 children;

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

11 (D) the delivery of early intervention and  
12 treatment services; and

13 (E) an information exchange process between  
14 agencies to facilitate faster identification and assessment of  
15 behavioral health problems and integrate service delivery;

16 (3) identify outcome measures that may be used to  
17 measure the efficiency of coordination; and

18 (4) ensure that an extensive listing of providers is  
19 available for children and their families, including information  
20 regarding the services offered and the behavioral health issues  
21 addressed by the provider.

22 (c) In order to facilitate the pilot project and identify  
23 children in accordance with Subsection (b)(1)(B), a local mental  
24 health authority serving Bexar County, the Department of State  
25 Health Services, the Department of Family and Protective Services,  
26 the Texas Youth Commission, the Texas Education Agency, and local  
27 school districts may, with the consent of the child's parents or

1 guardians:

2 (1) disclose information relating to a child,  
3 including information concerning the child's identity, needs,  
4 treatment, social, criminal, and educational history, probation or  
5 supervision status and compliance with the conditions of the  
6 child's probation or supervision, and medical or mental health  
7 history, if the disclosure serves a purpose of the pilot project;

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

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

14 (A) the types of information that may be  
15 exchanged among agencies under this section without violating any  
16 applicable provisions of federal law, including any federal funding  
17 requirements; and

18 (B) the protocols for information sharing,  
19 including methods for ensuring the continued protection of  
20 confidential information by the recipient of the information.

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

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

27 (f) Not later than December 1, 2010, the local mental health

1 authority involved in the pilot project shall submit a report to the  
2 department regarding the local behavioral health intervention  
3 pilot project, including:

4 (1) a comprehensive analysis of the efficacy of the  
5 project; and

6 (2) the local authority's findings and  
7 recommendations.

8 (g) This section expires September 1, 2011.

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

**ADOPTED**

MAY 18 2009

*Atay Spaw*  
Secretary of the Senate

BY:

*Articia VandePutte*

FLOOR AMENDMENT NO. 1

1 Amend H.B. No. 1232 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, strike Subsection (b)(2)(B)  
3 (page 1, lines 37 and 38) and substitute the following:

4 (B) a consent form:

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

9 (ii) that informs a parent that the parent  
10 has the right to withhold consent and may withdraw consent at any  
11 time; and

12 (iii) that informs the parent of the type of  
13 information that an agency or provider may share if the parent  
14 consents;

15 (2) In SECTION 1 of the bill, in Subsection (b)(2)(D) (page  
16 1, line 42), strike "and".

17 (3) In SECTION 1 of the bill, in Subsection (b)(2)(E) (page  
18 1, line 45) immediately following the semicolon, add the following:  
19 and

20 (F) an information exchange process between each  
21 parent of a child participating in the pilot project and the  
22 agencies and providers involved in the project to assist the parent  
23 in remaining informed regarding the evaluations performed in  
24 relation to the child and any conclusions or recommended treatment  
25 options resulting from those evaluations or decisions that need to  
26 be made by the parent as a result of an evaluation;

27 (4) In SECTION 1 of the bill, in Subsection (b)(3) (page 1,  
28 line 47), strike "and".

29 (5) In SECTION 1 of the bill, in Subsection (b)(4) (page 1,

1 line 51), between "provider" and the period, insert the following:

2 ; and

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

7 (6) In SECTION 1 of the bill, strike Subsection (g) (page 2,  
8 line 28), and substitute the following:

9 (g) In implementing the pilot project, the Department of  
10 State Health Services shall ensure that a parent of a child involved  
11 in the project is provided with reasonable, standardized complaint  
12 procedures for making complaints regarding the pilot project or an  
13 agency or provider involved in the pilot project.

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

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

19 (2) does not disproportionately target or negatively  
20 impact minorities.

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

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 19, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1232** by Menendez (Relating to establishing a local behavioral health intervention pilot project.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill requires the Department of State Health Services (DSHS) to establish a local behavioral health intervention pilot project for children in Bexar County. In order to implement the pilot project the bill provides that DSHS require a local mental health authority serving Bexar County to enter into memorandums of understanding (MOUs) with a number of state agencies serving children and adolescents for the purpose of coordinating behavioral health services for the children of Bexar County. The bill also requires the development, in collaboration with state and local agencies, of a best practices plan and requires MOUs between the local mental health authority of Bexar County and state agencies to address significant information sharing relating to a child. It is assumed that all activities required under the bill will be absorbed within existing agency resources.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 537 State Health Services, Department of

**LBB Staff:** JOB, SD, CL, JF, LR





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 1, 2009**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB1232** by Menendez (Relating to establishing a local behavioral health intervention pilot project.), **As Engrossed**

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**Source Agencies:** 537 State Health Services, Department of

**LBB Staff:** JOB, CL, JF, LR



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 16, 2009**

**TO:** Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1232** by Menendez (Relating to establishing a local behavioral health intervention pilot project.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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