

House Bill 1232
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(A) informed consent and confidentiality practices;

(B) uniform behavioral health screening for children;

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(C) with written consent from parents or guardians, divert children identified under Paragraph (B) to a system of care services to reduce gaps or inefficiencies in the provision of care;

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

(A) informed consent and confidentiality practices;

(B) a consent form;

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- (C) uniform referral processes between systems and agencies related to behavioral health services;
- (D) the delivery of early intervention and treatment services; and
- (E) an information exchange process between agencies to facilitate faster identification and assessment of behavioral health problems and integrate service delivery;

- (3) identify outcome measures that may be used to measure the efficiency of coordination; and
- (4) ensure that an extensive listing of providers is

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

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

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

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

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

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

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

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

(4) ensure that an extensive listing of providers is

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available for children and their families, including information regarding the services offered and the behavioral health issues addressed by the provider.

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

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

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

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

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available for children and their families, including information regarding the services offered and the behavioral health issues addressed by the provider; and

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

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

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

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

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

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- (A) the types of information that may be exchanged among agencies under this section without violating any applicable provisions of federal law, including any federal funding requirements; and
- (B) the protocols for information sharing, including methods for ensuring the continued protection of confidential information by the recipient of the information.
- (d) This section does not affect the confidential status of the information being shared.
- (e) The department may use funds for crisis prevention programs in collaboration with funds from local authorities, including school districts and criminal justice agencies, to implement the pilot project.
- (f) Not later than December 1, 2010, the local mental health authority involved in the pilot project shall submit a report to the department regarding the local behavioral health intervention pilot project, including:
 - (1) a comprehensive analysis of the efficacy of the project; and
 - (2) the local authority's findings and recommendations.

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- (A) the types of information that may be exchanged among agencies under this section without violating any applicable provisions of federal law, including any federal funding requirements; and
- (B) the protocols for information sharing, including methods for ensuring the continued protection of confidential information by the recipient of the information.
- (d) This section does not affect the confidential status of the information being shared.
- (e) The department may use funds for crisis prevention programs in collaboration with funds from local authorities, including school districts and criminal justice agencies, to implement the pilot project.
- (f) Not later than December 1, 2010, the local mental health authority involved in the pilot project shall submit a report to the department regarding the local behavioral health intervention pilot project, including:
 - (1) a comprehensive analysis of the efficacy of the project; and
 - (2) the local authority's findings and recommendations.
- (g) In implementing the pilot project, the Department of State Health Services shall ensure that a parent of a child involved in the project is provided with reasonable, standardized complaint procedures for making complaints regarding the pilot project or an agency or provider involved in the pilot project.
- (h) The Department of State Health Services shall ensure that the pilot project:

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(g) This section expires September 1, 2011.

(1) is operated without regard to the race, color, disability, sex, age, national origin, or religion of the individuals involved in the pilot project; and
(2) does not disproportionately target or negatively impact minorities.
(i) This section does not authorize the implementation of school-based mental health screening.
(j) This Act expires September 1, 2011.

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

Same as House version.