

By: Zaffirini

S.B. No. 1817

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the Children's Policy Council, including the transfer
3 of the duties and activities of the consortium that oversees the
4 Texas Integrated Funding Initiative to the Children's Policy
5 Council.

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

7 SECTION 1. Sections 22.035(a) through (g) and (i) through
8 (l), Human Resources Code, are amended to read as follows:

9 (a) A work group to be known as the Children's Policy
10 Council shall assist the Department of Aging and Disability
11 Services [~~department~~], the Health and Human Services Commission
12 [~~commissioner of health and human services~~], the [~~Texas~~] Department
13 of State Health Services, the [~~Texas~~] Department of Assistive and
14 Rehabilitative Services [~~Mental Health and Mental Retardation~~],
15 and the Department of Family and Protective [~~and Regulatory~~]
16 Services in developing, implementing, and administering family
17 support policies for children with disabilities relating to:

- 18 (1) [~~and related~~] long-term services and supports;
19 (2) health services; and
20 (3) mental [~~care and~~] health services [~~programs for~~
21 ~~children~~].

22 (b) The executive commissioner of the Health and Human
23 Services Commission [~~health and human services~~] shall appoint the
24 members of the work group, which must include the following:

1 (1) an individual [~~a person~~] who is younger than 25
2 [22] years of age and who receives [~~is a consumer of~~] long-term
3 services and supports or [~~care and~~] health services [~~programs~~] for
4 children with disabilities;

5 (2) an individual who is younger than 25 years of age
6 and who receives or has received mental health services;

7 (3) relatives of children with disabilities who:

8 (A) receive [~~consumers of~~] long-term services
9 and supports;

10 (B) receive health services for children with
11 disabilities; or

12 (C) receive or have received mental health
13 services [~~care and health programs for children~~];

14 (4) [~~(3)~~] a representative from an organization that
15 is an advocate for children who receive [~~consumers of~~] long-term
16 services and supports or [~~care and~~] health services [~~programs~~] for
17 children with disabilities;

18 [~~(4) a representative from a state agency that~~
19 ~~provides long-term care and health programs for children,~~]

20 (5) a representative from an organization that is an
21 advocate for children who need mental health services;

22 (6) an individual [~~a person~~] from a private entity
23 that provides long-term services and supports or [~~care and~~] health
24 services [~~programs~~] for children with disabilities;

25 (7) an individual from a private entity that provides
26 mental health services for children;

27 (8) an individual [~~(6) a person~~] from a public entity

1 that provides long-term services and supports or [~~care and~~] health
2 services [~~programs~~] for children with disabilities;

3 (9) an individual from a public entity that provides
4 mental health services for children;

5 (10) an individual [~~(7) a person~~] with expertise in
6 the availability of funding and the application of funding formulas
7 for children's long-term services and support, [~~care and~~] health
8 services for children with disabilities, or mental health services;

9 (11) an individual representing an organization that
10 assists families with transitioning children with disabilities
11 from institutions to families;

12 (12) [~~(8)~~] a representative from a faith-based
13 organization;

14 (13) [~~(9)~~] a representative from a nonspecialized
15 community services organization; and

16 (14) [~~(10)~~] a representative from a business that is
17 not related to providing services to persons with disabilities.

18 (c) A majority of the members of the work group must be
19 composed of the individuals described by Subsections (b)(1) and (2)
20 and the relatives of children with disabilities described by
21 Subsection (b)(3) [~~consumers of long-term care and health programs~~
22 ~~for children~~].

23 (d) An individual [~~A person~~] may not be appointed as a
24 relative of a child with disabilities under Subsection (b)(3)
25 [~~consumer of long-term care and health programs for children~~] if
26 the individual [~~person~~]:

27 (1) is an employee of a state agency that provides

1 long-term services and supports, [~~care or~~] health services for
2 children with disabilities, or mental health services for children;
3 or

4 (2) contracts with a state agency described by
5 Subdivision (1) to provide long-term services and supports, [~~care~~
6 ~~or~~] health services for children with disabilities, or mental
7 health services.

8 (e) The Health and Human Services Commission [~~department~~
9 ~~and the Texas Department of Health~~] shall [~~equally~~] provide
10 administrative support, including staff, to the work group.

11 (f) A member of the work group serves at the will of the
12 executive commissioner of the Health and Human Services Commission
13 [~~health and human services~~].

14 (g) The executive commissioner of the Health and Human
15 Services Commission [~~health and human services~~] shall appoint a
16 member of the work group to serve as a presiding officer. The
17 presiding officer must be an individual appointed as a relative of a
18 child with disabilities under Subsection (b)(3).

19 (i) A member of the work group receives no additional
20 compensation for serving on the work group. Individuals described
21 by Subsections (b)(1) and (2) [~~consumers~~] and relatives of children
22 with disabilities described by Subsection (b)(3) [~~consumers~~]
23 serving on the work group shall be reimbursed for travel and other
24 expenses necessary for participation as provided in the General
25 Appropriations Act. Other members of the work group may not be
26 reimbursed for travel or other expenses incurred while conducting
27 the business of the work group. Reimbursement under this

1 subsection shall be paid equally out of funds appropriated to the
2 Department of Aging and Disability Services [~~department~~] and funds
3 appropriated to the [~~Texas~~] Department of State Health Services.

4 (j) The work group shall study and make recommendations in
5 the following areas:

6 (1) [~~access of a child or a child's family to effective~~
7 ~~case management services, including case management services with a~~
8 ~~single case manager, parent case managers, or independent case~~
9 ~~managers;~~

10 [~~(2)~~] the transition needs of children who reach an
11 age at which they are no longer eligible for services at the [~~Texas~~
12 ~~Department of Health, the~~] Texas Education Agency[~~7~~] and other
13 applicable state agencies;

14 (2) [~~(3)~~] the blending of funds[~~, including case~~
15 ~~management funding,~~] for children needing long-term services and
16 supports, [care and] health services, and mental health services;

17 (3) [~~(4)~~] collaboration and coordination of
18 children's services between the Department of Aging and Disability
19 Services [~~department~~], the [~~Texas~~] Department of State Health
20 Services, the [~~Texas~~] Department of Assistive and Rehabilitative
21 Services, the Department of Family and Protective Services [~~Mental~~
22 ~~Health and Mental Retardation~~], and any other agency determined to
23 be applicable by the work group;

24 (4) [~~(5)~~] budgeting and the use of funds appropriated
25 for children's long-term [~~care~~] services and supports, [and
26 children's] health services, and mental health services;

27 (5) [~~(6)~~] services and supports for families

1 providing care for children with disabilities;

2 (6) [~~7~~] effective permanency planning for children
3 who reside in institutions or who are at risk of placement in an
4 institution;

5 (7) barriers to accessing community services that lead
6 to the institutionalization of children with disabilities;

7 (8) barriers to enforcement of regulations regarding
8 institutions that serve children with disabilities; and

9 (9) the provision of services under the medical
10 assistance program to children younger than 22 [~~23~~] years of age
11 with disabilities or special health care needs under a waiver
12 granted under Section 1915(c) of the federal Social Security Act
13 (42 U.S.C. Section 1396n(c)).

14 (k) Not later than September 1 of each even-numbered year,
15 the work group shall report on its findings and recommendations to
16 the legislature and the executive commissioner of the Health and
17 Human Services Commission [~~health and human services~~].

18 (l) After evaluating and considering recommendations
19 reported under Subsection (k), the executive commissioner of the
20 Health and Human Services Commission shall adopt rules to implement
21 guidelines for providing long-term services and supports, [~~care~~
22 ~~and~~] health services, and mental health services to children with
23 disabilities.

24 SECTION 2. Section 531.159(f), Government Code, is amended
25 to read as follows:

26 (f) The commission by rule shall develop procedures by which
27 to conduct the reviews required by Subsections (c), (d), and (e).

1 In developing the procedures, the commission shall seek input from
2 the work group on children's long-term services and supports, [~~care~~
3 ~~and~~] health services, and mental health services [~~programs~~]
4 established under Section 22.035, Human Resources Code.

5 SECTION 3. Subchapter G-1, Chapter 531, Government Code, is
6 amended by adding Section 531.2505 to read as follows:

7 Sec. 531.2505. DEFINITION. In this subchapter, "council"
8 means the Children's Policy Council established under Section
9 22.035, Human Resources Code.

10 SECTION 4. Section 531.251, Government Code, is amended to
11 read as follows:

12 Sec. 531.251. [~~PILOT PROJECT CONSORTIUM,~~] EXPANSION PLAN.

13 (a) The council shall establish a subcommittee on the system of
14 care [~~commission shall form a consortium~~] to develop criteria for
15 and implement the expansion of the Texas Integrated Funding
16 Initiative [~~pilot project~~] and to develop local mental health care
17 systems in communities for minors who are receiving residential
18 mental health services or who are at risk of residential placement
19 to receive mental health services. [~~The consortium must include~~
20 ~~representatives of the Texas Department of Mental Health and Mental~~
21 ~~Retardation, Department of Protective and Regulatory Services,~~
22 ~~Texas Education Agency, Texas Youth Commission, Texas Juvenile~~
23 ~~Probation Commission, and Texas Commission on Alcohol and Drug~~
24 ~~Abuse and an equal number of family advocates.]~~

25 (b) The commission and the subcommittee on the system of
26 care [~~consortium~~] shall:

27 (1) develop a model and guidelines for the delivery of

1 mental health services and support to a minor, initiated before the
2 person's 18th birthday, including best practices in the financing,
3 administration, governance, and delivery of those services;

4 (2) establish a plan to expand the Texas Integrated
5 Funding Initiative [~~so that the initiative may operate in up to six~~
6 ~~communities~~]; and

7 (3) identify appropriate sources of state and federal
8 funding to finance mental health services under the initiative from
9 a central fund for expansion communities.

10 (c) The subcommittee on the system of care must present to
11 the council each model, guideline, plan, program, or recommendation
12 the subcommittee develops. A model, guideline, plan, program, or
13 recommendation may not be disseminated unless it is approved by the
14 council.

15 SECTION 5. Sections 531.252(a) and (b), Government Code,
16 are amended to read as follows:

17 (a) The commission [~~by rule~~] shall establish a
18 request-for-proposal process to select expansion communities to
19 participate in the initiative. The commission may work with the
20 Department of State Health Services to establish this process.

21 (b) The commission and the council [~~consortium~~] shall
22 develop criteria to evaluate proposals for selecting expansion
23 communities to participate in the expanded initiative. The
24 criteria must:

25 (1) reflect the underlying principles of the Texas
26 Integrated Funding Initiative;

27 (2) emphasize services that are culturally competent,

1 family-centered, and seamless;

2 (3) identify populations to be served under the
3 proposals;

4 (4) establish for the expansion communities service
5 outcome goals related to minors who are receiving residential
6 mental health services or who are at risk of residential placement
7 to receive mental health services, including:

8 (A) decreasing incidents of abuse or neglect of
9 the minors;

10 (B) reducing recidivism rates of juvenile
11 offenders;

12 (C) increasing school attendance and progress of
13 the minors;

14 (D) reducing the rate of placement of the minors
15 in residential treatment;

16 (E) increasing the rate of reunification of the
17 minors with their families;

18 (F) improving the emotional, behavioral, and
19 social adjustment of the minors; and

20 (G) improving the stability of placements of the
21 minors;

22 (5) provide for locations of participating
23 communities in urban, suburban, and rural settings; and

24 (6) specify information that must be provided in a
25 proposal for a community, including:

26 (A) information on the costs of the activities
27 proposed; and

1 (B) the characteristics of minors in the
2 community who are in residential care for mental health services or
3 who are at risk of being placed in residential care to receive
4 mental health services.

5 SECTION 6. Sections 531.253 and 531.254, Government Code,
6 are amended to read as follows:

7 Sec. 531.253. SELECTION OF EXPANSION COMMUNITIES. The
8 commission and the council [~~consortium~~] shall develop a process to
9 review proposals for expansion communities and approve
10 participation of additional [~~not more than six~~] communities to
11 participate in the initiative. The selected communities must be
12 those that best meet the criteria developed under Section 531.252.

13 Sec. 531.254. SYSTEM DEVELOPMENT COLLABORATION. The
14 commission, the subcommittee on the system of care established by
15 the council [~~consortium~~], and the expansion communities shall
16 collaborate to develop and shall share technical assistance and
17 training resources to aid communities in developing local systems
18 for delivering mental health services to minors.

19 SECTION 7. Sections 531.255(a), (b), and (c), Government
20 Code, are amended to read as follows:

21 (a) The commission and the [~~Texas~~] Department of State
22 [~~Mental~~] Health Services [~~and Mental Retardation~~] jointly shall
23 monitor the progress of the expansion communities.

24 (b) The commission, the subcommittee on the system of care
25 established by the council [~~consortium~~], and the expansion
26 communities shall collaborate to develop a system to evaluate the
27 success of the expansion communities in achieving outcome goals for

1 the minors the communities serve, including outcome goals developed
2 under Section 531.252. An evaluation under the system must include
3 information on cost avoidance and net savings that result from
4 participation in the initiative.

5 (c) Each expansion community shall identify the baseline
6 information to compare with the information on outcomes in
7 evaluating the achievements of the community. A community is
8 responsible for collecting and reporting outcome information to the
9 Department of State Health Services [~~commission~~] in accordance with
10 the requirements of the evaluation system developed under
11 Subsection (b).

12 SECTION 8. Section 531.421(3), Government Code, is amended
13 to read as follows:

14 (3) "Subcommittee on the system of care"
15 [~~"Consortium"~~] means the subcommittee on the system of care
16 established by the Children's Policy Council [~~consortium~~] that
17 oversees the Texas Integrated Funding Initiative under Subchapter
18 G-1 [~~G, Chapter 531, as added by Chapter 446, Acts of the 76th~~
19 ~~Legislature, Regular Session, 1999~~].

20 SECTION 9. Section 531.422(c), Government Code, is amended
21 to read as follows:

22 (c) Each community resource coordination group shall submit
23 the report described by Subsection (b) to the subcommittee on the
24 system of care [~~consortium~~]. The subcommittee [~~consortium~~] shall
25 provide a deadline to each group for submitting the reports. The
26 time frame for completing the reports must be coordinated with any
27 regional reviews by the commission of the delivery of related

1 services.

2 SECTION 10. Section 531.423, Government Code, is amended to
3 read as follows:

4 Sec. 531.423. SUMMARY REPORT BY SUBCOMMITTEE ON THE SYSTEM
5 OF CARE [~~TEXAS INTEGRATED FUNDING INITIATIVE CONSORTIUM~~]. (a) The
6 subcommittee on the system of care [~~consortium~~] shall create a
7 summary report based on the evaluations in the reports submitted to
8 the subcommittee [~~consortium~~] by community resource coordination
9 groups under Section 531.422. The subcommittee's [~~consortium's~~]
10 report must include recommendations for policy and statutory
11 changes at each agency that is involved in the provision of systems
12 of care services and the outcome expected from implementing each
13 recommendation.

14 (b) The subcommittee on the system of care [~~consortium~~]
15 shall coordinate, where appropriate, the recommendations in the
16 report created under this section with recommendations in the
17 assessment developed under S.B. No. 491, Acts of the 78th
18 Legislature, Regular Session, 2003, and with the continuum of care
19 developed under S.B. No. 490, Acts of the 78th Legislature, Regular
20 Session, 2003.

21 (c) The subcommittee on the system of care [~~consortium~~] may
22 include in the report created under this section recommendations
23 for the statewide expansion of sites participating in the Texas
24 Integrated Funding Initiative under Subchapter G-1 [~~G, Chapter 531,~~
25 ~~as added by Chapter 446, Acts of the 76th Legislature, Regular~~
26 ~~Session, 1999,~~] and the integration of services provided at those
27 sites with services provided by community resource coordination

1 groups.

2 (d) The subcommittee on the system of care [~~consortium~~]
3 shall provide a copy of a [~~the~~] report created under this section
4 and approved by the Children's Policy Council to each agency for
5 which the report makes a recommendation and to other agencies as
6 appropriate.

7 SECTION 11. Sections 531.256 and 531.257, Government Code,
8 are repealed.

9 SECTION 12. (a) Not later than January 1, 2012, the
10 following are transferred from the consortium that oversees the
11 Texas Integrated Funding Initiative under Subchapter G-1, Chapter
12 531, Government Code, to the Children's Policy Council described by
13 Section 22.035, Human Resources Code:

14 (1) the powers, duties, functions, programs, and
15 activities of the consortium;

16 (2) all obligations and contracts of the consortium
17 that are related to a power, duty, function, program, or activity
18 transferred under this subsection;

19 (3) all property and records in the custody of the
20 consortium that are related to a power, duty, function, program, or
21 activity transferred under this subsection and all funds
22 appropriated by the legislature for that power, duty, function,
23 program, or activity; and

24 (4) all personnel of the consortium whose functions
25 predominantly involve powers, duties, functions, programs, and
26 activities transferred under this subsection.

27 (b) A form adopted by the consortium that relates to a

1 power, duty, function, program, or activity transferred under
2 Subsection (a) of this section is a form of the Children's Policy
3 Council and remains in effect until altered by the Children's
4 Policy Council.

5 (c) A reference in law to the consortium that relates to a
6 power, duty, function, program, or activity transferred under
7 Subsection (a) of this section means the Children's Policy Council.

8 SECTION 13. This Act takes effect September 1, 2011.