

BILL ANALYSIS

C.S.H.B. 2038
By: Dukes
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Center for Elimination of Disproportionality and Disparities and the Interagency Council for Addressing Disproportionality were created to address disparities in health and health access among certain Texas populations and disparities in the use of juvenile justice, child welfare, education, and mental health systems by children in Texas, respectively. Interested parties assert that both the center and council provide critical services to the state and that certain revisions to the laws regulating these entities are necessary to ensure the programs are meeting intended goals and producing desired effects. C.S.H.B. 2038 seeks to continue the operation of the council and amend provisions relating to the council and to the center.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2038 amends the Health and Safety Code to require the Center for Elimination of Disproportionality and Disparities to identify the social determinants and health conditions in most need of high-impact response to address disproportionality and disparities across health and human services agencies and to monitor the implementation of plans to address health disparities across health and human services agencies. The bill requires the center, not later than July 1 of each year, to submit a report to the executive commissioner of the Health and Human Services Commission (HHSC) detailing the center's findings and activities regarding such activities and specifies that the center is not required to submit the initial report before July 1, 2014. The bill requires the center to assist HHSC and any other relevant health and human services, education, juvenile justice, child welfare, and mental health agencies in developing cross-systems performance measures aligned with the components of the Texas model for addressing disproportionality and disparities in the education, juvenile justice, child welfare, health, and mental health systems required to be adopted by the Interagency Council for Addressing Disproportionality under the bill's provisions and to implement that Texas model. The bill requires the center to advise each health and human services, education, juvenile justice, child welfare, and mental health agency on the implementation and delivery of cultural competency training to all service delivery staff, including persons providing service delivery under a single source continuum contract, and to develop collaborative partnerships with community groups, agencies, faith-based organizations, and other community organizations to support the delivery of culturally competent services to children and families of every race and ethnicity.

C.S.H.B. 2038 amends the Human Resources Code to include in the composition of the Interagency Council for Addressing Disproportionality the following representatives appointed by the executive commissioner of HHSC: two persons who are current or former recipients of services provided by the child welfare, juvenile justice, education, or children's mental health systems, one person who is a director of special education for a public school district, and one representative of the business community. The bill prohibits a member of the council appointed

by the executive commissioner from serving on the council for more than two years. The bill removes from the duties of the council the preparation of a report consisting of the council's findings and recommendations and the presentation of an implementation plan to address disproportionate representation of children who are members of a racial or ethnic minority group in the use of children's services.

C.S.H.B. 2038 requires the council, based on its research and findings, to develop and adopt a Texas model for addressing disproportionality and disparities in the education, juvenile justice, child welfare, health, and mental health systems to be implemented across the relevant state agencies. The bill requires the report required to be submitted by the council to the lieutenant governor, the speaker of the house of representatives, and the legislature to contain the status of the implementation of the Texas model for addressing disproportionality and disparities in the education, juvenile justice, child welfare, health, and mental health systems and updates the deadline for submission of the report to December 1, 2014. The bill specifies that statutory provisions relating to the council expire December 1, 2015, rather than December 1, 2013.

C.S.H.B. 2038 repeals Section 2.004(c) of the Human Resources Code, requiring the council, if the council develops information in the course of performing its duties, to attach that information to the council's report.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2038 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Chapter 107A, Health and Safety Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 2.002, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows: (a) The council consists of: (1) one representative from each of the following agencies appointed by the executive director, director, or commissioner of each agency: (A) the Texas Education Agency; (B) the Center for Elimination of Disproportionality and Disparities within the Health and Human Services Commission; (C) the Department of Assistive and Rehabilitative Services; (D) the Department of Aging and Disability Services; (E) the Department of State Health Services; (F) the Department of Family and Protective	SECTION 2. Section 2.002, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows: (a) The council consists of: (1) one representative from each of the following agencies appointed by the executive director, director, or commissioner of each agency: (A) the Texas Education Agency; (B) the Center for Elimination of Disproportionality and Disparities within the Health and Human Services Commission; (C) the Department of Assistive and Rehabilitative Services; (D) the Department of Aging and Disability Services; (E) the Department of State Health Services; (F) the Department of Family and Protective

Services;
 (G) the Texas Juvenile Justice Department [Youth Commission;
~~[(H) the Texas Juvenile Probation Commission];~~
 (H) ~~[(H)]~~ the Health and Human Services Commission; and
 (I) ~~[(J)]~~ the Office of Court Administration of the Texas Judicial System;
 (2) one representative of the office of the attorney general appointed by the attorney general;
 (3) one representative of the Permanent Judicial Commission for Children, Youth and Families appointed by the chair of the commission;
 (4) ~~four~~ representatives ~~[one representative]~~ of the community appointed by the executive commissioner of the Health and Human Services Commission, including:
 (A) one person who works with a community-based organization that works with child welfare, juvenile justice, education, or children's mental health issues;
 (B) one person who is a former foster care youth; and

~~(C) two persons who are current or former recipients of services provided by the child welfare, juvenile justice, education, or children's mental health systems [appointed by the executive commissioner of the Health and Human Services Commission];~~
 (5) one representative of a faith-based community organization appointed by the executive commissioner of the Health and Human Services Commission;
 (6) one representative of the criminal justice division of the governor's office appointed by the governor;
 (7) ~~[one person who is a former foster care youth appointed by the executive commissioner of the Health and Human Services Commission; and]~~
~~[(8)]~~ two representatives of the medical community appointed by the executive commissioner of the Health and Human Services Commission; and
 (8) one representative of the business community appointed by the executive commissioner of the Health and Human Services Commission.
 (f) A member of the council appointed under Subsection (a)(4), (5), (7), or (8) may

Services;
 (G) the Texas Juvenile Justice Department [Youth Commission;
~~[(H) the Texas Juvenile Probation Commission];~~
 (H) ~~[(H)]~~ the Health and Human Services Commission; and
 (I) ~~[(J)]~~ the Office of Court Administration of the Texas Judicial System;
 (2) one representative of the office of the attorney general appointed by the attorney general;
 (3) one representative of the Permanent Judicial Commission for Children, Youth and Families appointed by the chair of the commission;
 (4) ~~five~~ representatives ~~[one representative]~~ of the community appointed by the executive commissioner of the Health and Human Services Commission, including:
 (A) one person who works with a community-based organization that works with child welfare, juvenile justice, education, or children's mental health issues;
 (B) one person who is a former foster care youth;

~~(C) one person who is a director of special education for a public school district; and~~
 (D) two persons who are current or former recipients of services provided by the child welfare, juvenile justice, education, or children's mental health systems ~~[appointed by the executive commissioner of the Health and Human Services Commission];~~
 (5) one representative of a faith-based community organization appointed by the executive commissioner of the Health and Human Services Commission;
 (6) one representative of the criminal justice division of the governor's office appointed by the governor;
 (7) ~~[one person who is a former foster care youth appointed by the executive commissioner of the Health and Human Services Commission; and]~~
~~[(8)]~~ two representatives of the medical community appointed by the executive commissioner of the Health and Human Services Commission; and
 (8) one representative of the business community appointed by the executive commissioner of the Health and Human Services Commission.
 (f) A member of the council appointed under Subsection (a)(4), (5), (7), or (8) may

not serve on the council for more than two years.

SECTION 3. Sections 2.003, 2.005, and 2.008, Human Resources Code, are amended.

SECTION 4. Section 2.004(c), Human Resources Code, is repealed.

SECTION 5. The Center for Elimination of Disproportionality and Disparities within the Health and Human Services Commission is not required to submit the initial report required under Section 107A.0021(b), Health and Safety Code, as added by this Act, before July 1, 2014.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

not serve on the council for more than two years.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.