

BILL ANALYSIS

Senate Research Center

S.B. 50
By: Zaffirini
Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 50 will expand the composition of the Children's Policy Council (CPC) to ensure families of children with emotional disturbance and other behavioral conditions are represented.

CPC is an advisory committee required to have at least 50 percent of the membership from family or youth representatives. CPC submits a statutorily required biennial report to the legislature with recommendations and has a strong track record of identifying concrete solutions for advancing policy for children with developmental disabilities. CPC has addressed recently more behavioral health issues in their recommendations.

Currently, families of children with mental health disabilities are not represented on CPC or any other legislatively authorized advisory committee. Adding representation of families of children with mental health conditions to the membership of CPC will increase opportunities for coordinating mental health services for children across agencies.

It is important to expand the composition of CPC to include representation of family members caring for children with serious emotional disturbance and other behavioral health conditions because the experience of family members is critical to ensuring that CPC recommendations adequately address the many unmet needs of this underserved population of children.

These children often present complex challenges to families, schools, and, far too often, the juvenile justice system.

S.B. 50 will add three new members to CPC, add mental health services to the list of issues CPC addresses, eliminate the Health and Human Services agency member position on the CPC, and require that a person who is younger than 25 years of age and who receives or has received mental health services be appointed to CPC.

S.B. 50 amends current law relating to the Children's Policy Council, including the composition of the council.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Health and Human Services Commission (HHSC) is transferred to the executive commissioner of HHSC in SECTION 1 (Section 22.035, Human Resources Code) of this bill.

Rulemaking authority previously granted to HHSC is modified in SECTION 2 (Section 531.159, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 22.035(a), (b), (e), (f), (g), (i), (j), (k), and (l), Human Resources Code, as follows:

- (a) Requires a work group to be known as the Children's Policy Council to assist the Department of Aging and Disability Services (DADS), the Health and Human Services Commission (HHSC), the Department of State Health Services (DSHS), the Department

of Assistive and Rehabilitative Services (DARS), and the Department of Family and Protective Services (DFPS) in developing, implementing and administering family support policies for children with disabilities relating to long-term services and supports, health services, and mental health services. Deletes existing text requiring the work group to assist the Texas Department of Human Services (TDHS), the commissioner of health and human services, the Texas Department of Health (TDH), the Texas Department of Mental Health and Mental Retardation, and the Department of Protective and Regulatory Services in developing, implementing, and administering family support policies and related long-term care and health programs for children.

(b) Requires the executive commissioner of HHSC (executive commissioner), rather than the commissioner of health and human services, to appoint the members of the work group, which is required to include, among certain members, an individual who is younger than 25 years of age and who receives or has received mental health services, and relatives of consumers of long-term care and health programs for children 26 years of age or younger. Deletes existing text requiring that the membership include a representative from a state agency that provides long-term care and health programs for children. Makes nonsubstantive changes.

(e) Requires HHSC to provide administrative support, including staff, to the work group, rather than requiring TDHS and TDH to equally provide administrative support to the work group.

(f)-(g) Makes conforming changes.

(i) Requires that reimbursement under this subsection be paid equally out of funds appropriated to DADS and funds appropriated to DSHS, rather than funds appropriated to DHS and TDH.

(j) Authorizes, rather than requires, the work group to study and make recommendations in certain areas. Makes conforming and nonsubstantive changes.

(k) Makes a conforming change.

(l) Requires the executive commissioner, after evaluating and considering recommendations reported under Subsection (k), to adopt rules to implement guidelines for providing long-term care, health services, and mental health services to children with disabilities. Makes nonsubstantive changes.

SECTION 2. Amends Section 531.159(f), Government Code, as follows:

(f) Requires HHSC by rule to develop procedures by which to conduct the reviews required by Subsections (c), (d), and (e). Authorizes, rather than requires, HHSC, in developing the procedures, to seek input from the work group on children's long-term services, health services, and mental health services established under Section 22.035, Human Resources Code. Makes conforming changes.

SECTION 3. Requires the executive commissioner, as soon as possible after the effective date of this Act, to appoint three additional members to the Children's Policy Council. Requires the executive commissioner, in appointing members, to consider appointing members with expertise in mental health services.

SECTION 4. Effective date: September 1, 2013.