

BILL ANALYSIS

S.B. 50
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Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Children's Policy Council is a health and human services advisory committee charged with identifying concrete solutions for advancing policy for children with developmental disabilities. The council is composed primarily of family or youth representatives. Currently, families of children with mental health disabilities are not represented on the council. Interested parties assert that such representation would increase opportunities for coordinating mental health services for children across agencies, and they contend that it is important to consider the experience of family members of children with serious emotional disturbance and other behavioral health conditions to ensure the council's recommendations adequately address the many unmet needs of this underserved population of children. S.B. 50 seeks to ensure that the Children's Policy Council addresses issues relating to mental health services for children and that families of children in need of mental health services are represented on the council.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

S.B. 50 amends the Human Resources Code to require the Children's Policy Council to assist applicable state health and human services agencies 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, rather than family support policies and related long-term care and health programs for children. The bill includes among the individuals required to be appointed to the council by the executive commissioner of Health and Human Services Commission (HHSC) an individual who is younger than 25 years of age and who receives or has received mental health services and removes from among those individuals a representative from a state agency that provides long-term care and health programs for children. The bill specifies that the individuals appointed to the council who are relatives of consumers of long-term care and health programs for children must be relatives of such consumers who are 26 years of age or younger.

S.B. 50 authorizes, rather than requires, the council to study and make recommendations in

certain specified areas of study and includes in those areas the blending of funds, including case management funding, for children needing mental health services and also includes in those areas the budgeting and use of funds appropriated to children's mental health services. The bill includes among the rules required to be adopted by the executive commissioner of HHSC, after evaluating and considering the recommendations reported from council, rules to implement guidelines for providing mental health services to children with disabilities.

S.B. 50 amends the Government Code to authorize, rather than require, HHSC to seek input from the council in developing the procedures by which HHSC is required to conduct a review relating to a child's placement in an applicable residential institution, nursing facility, or group home and a semiannual review of data received from health and human services agencies regarding all children who reside in such institutions, facilities, or group homes in Texas.

S.B. 50 requires the executive commissioner to appoint three additional members to the council as soon as possible after the bill's effective date and requires the executive commissioner, in appointing members, to consider appointing members with expertise in mental health services.

EFFECTIVE DATE

September 1, 2013.