

BILL ANALYSIS

C.S.H.B. 2048
By: Naishtat
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, multiple state agencies serve children and youth with serious mental health conditions. Interested parties assert, however, that historically there has been little planning, coordination, or collaboration among these agencies. A system of care framework calls for collaboration between different child and youth-serving systems, such as child welfare, juvenile justice, education, and mental health systems, and the families they serve, which enables communities to develop a single plan of care and provides families access to a unique array of community-based supports and services. Recent legislation established the Texas System of Care Consortium to assist the Health and Human Services Commission in overseeing the implementation of a strategic plan to expand the use of this framework in the state. C.S.H.B. 2048 seeks to ensure that efforts to assist these children and youth continue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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 2 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.

C.S.H.B. 2048 amends the Government Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to remove provisions relating to a consortium formed by the Health and Human Services Commission (HHSC) with responsibility for and oversight over a state system of care to develop local mental health systems of care in communities for minors who are receiving residential mental health services or inpatient mental health hospitalization or who are at risk of being removed from the minor's home and placed in a more restrictive environment to receive mental health services. The bill instead requires HHSC to implement a system of care framework to develop local mental health systems of care in communities for such minors and includes minors who are receiving residential mental health

supports or who have or are at risk of developing a serious emotional disturbance among the minors served by the local mental health systems of care. The bill defines "serious emotional disturbance" as a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits a person's role or ability to function in family, school, or community activities and defines "system of care framework" as a framework for collaboration among state agencies, minors who have a serious emotional disturbance or are at risk of developing a serious emotional disturbance, and the families of those minors that improves access to services and delivers effective community-based services that are family-driven, youth-guided or young adult-guided, and culturally and linguistically competent.

C.S.H.B. 2048 requires HHSC to enter memoranda of understanding with the Department of State Health Services (DSHS), the Department of Family and Protective Services, the Texas Education Agency, the Texas Juvenile Justice Department, and the Texas Correctional Office on Offenders with Medical or Mental Impairments that specify the roles and responsibilities of each agency in implementing the comprehensive plan for the delivery of mental health services and supports to a minor and a minor's family using a system of care framework. The bill requires HHSC to develop an evaluation system to measure cross-system performance of state and local system of care framework efforts and to consult with stakeholders in implementing the system of care framework, including minors who have or are at risk of developing a serious emotional disturbance, young adults who received mental health services and supports as a minor with or at risk of developing a serious emotional disturbance, and family members of those minors or young adults.

C.S.H.B. 2048 requires HHSC to monitor the implementation of the system of care framework and the executive commissioner of HHSC to adopt rules as necessary to facilitate or adjust the implementation. The bill removes the requirement that HHSC and DSHS jointly monitor progress of the communities that implement a local system of care, including monitoring cost avoidance and the net savings that result from implementing a local system of care.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2048 differs from the original in minor or nonsubstantive ways to conform to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.