

## **BILL ANALYSIS**

C.S.H.B. 2904  
By: White  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that people in need of services, particularly children, often receive services from multiple state agencies and that improved cooperation between such agencies would result in better assistance for these recipients. C.S.H.B. 2904 seeks to strengthen the roles and responsibilities of state agencies that are part of a joint memorandum of understanding to promote a system of local-level interagency staffing groups that coordinates services for persons needing multiagency services.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2904 amends the Government Code to include the Texas Education Agency (TEA) among the agencies required to enter into a joint memorandum of understanding to promote a system of local-level interagency staffing groups to coordinate services for persons needing multiagency services and to clarify that the health and human services agencies required to enter that joint memorandum of understanding are the Health and Human Services Commission (HHSC), the Department of Family and Protective Services (DFPS), and the Department of State Health Services (DSHS). The bill includes the identification of services for persons needing multiagency services as a purpose of the joint memorandum of understanding and specifies that the services be provided in the least restrictive setting appropriate, using residential, institutional, or congregate care settings only as a last resort. The bill requires the division within HHSC that coordinates the policy and delivery of mental health services to oversee the development and implementation of the joint memorandum of understanding. The bill revises the examples of subcategories for different services required to be included in the memorandum to clarify the statutory responsibilities of each agency in relation to persons needing multiagency services. The bill requires the agencies to ensure that a state-level interagency staffing group provides information and guidance to local-level interagency staffing groups regarding the availability of programs and resources in the community and best practices for addressing the needs of persons with complex needs in the least restrictive setting appropriate. The bill defines "least restrictive setting," for purposes of the joint memorandum of understanding, as a service setting for a person that, in comparison to other available service settings, is most able to meet the identified needs of the person, prioritizes a home and community-based care setting, and engages the strengths of the family.

C.S.H.B. 2904 requires HHSC, DFPS, DSHS, TEA, the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Texas Department of Criminal Justice, the Texas Department of Housing and Community Affairs, the Texas Workforce Commission, and the Texas Juvenile Justice Department, not later than December 1, 2017, to update the joint memorandum of understanding.

**EFFECTIVE DATE**

September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2904 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

**INTRODUCED**

SECTION 1. Sections 531.055(a), (b), and (e), Government Code, are amended to read as follows:

(a) Each health and human services agency, the Texas Education Agency, the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Texas Department of Criminal Justice, the Texas Department of Housing and Community Affairs, the Texas Workforce Commission, and the Texas Juvenile Justice Department shall enter into a joint memorandum of understanding to promote a system of local-level interagency staffing groups to identify and coordinate services in the least restrictive setting appropriate for persons needing multiagency services. The division within the Health and Human Services Commission that coordinates the policy and delivery of mental health services shall oversee the development and implementation of the joint memorandum of understanding.

(b) The memorandum must:  
(1) clarify the statutory responsibilities of each agency in relation to persons needing multiagency services, including subcategories for different services such as: (A) ~~[prevention,]~~ family preservation and strengthening;

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 531.055, Government Code, is amended by amending Subsections (a), (b), and (e) and adding Subsection (f) to read as follows:

(a) The Health and Human Services Commission, the Department of Family and Protective Services, the Department of State Health Services, the Texas Education Agency ~~[Each health and human services agency]~~, the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Texas Department of Criminal Justice, the Texas Department of Housing and Community Affairs, the Texas Workforce Commission, and the Texas Juvenile Justice Department shall enter into a joint memorandum of understanding to promote a system of local-level interagency staffing groups to identify and coordinate services for persons needing multiagency services to be provided in the least restrictive setting appropriate, using residential, institutional, or congregate care settings only as a last resort. The division within the Health and Human Services Commission that coordinates the policy and delivery of mental health services shall oversee the development and implementation of the joint memorandum of understanding.

(b) The memorandum must:  
(1) clarify the statutory responsibilities of each agency in relation to persons needing multiagency services, including subcategories for different services such as: (A) ~~[prevention,]~~ family preservation and strengthening;

(B) physical and behavioral health care;  
(C) prevention and early intervention services, including services designed to prevent;  
(i) child abuse;  
(ii) neglect; or  
(iii) delinquency, truancy, or school dropout;  
(D) diversion from juvenile or criminal justice involvement;  
(E) housing;  
(F) [;] aging in place;  
(G) [;] emergency shelter;  
(H) [~~-, diagnosis and evaluation,~~] residential care;  
(I) [;] after-care;  
(J) [;] information and referral; [~~-, medical care,~~] and  
(K) investigation services;  
(2) include a functional definition of "persons needing multiagency services";  
(3) outline membership, officers, and necessary standing committees of local-level interagency staffing groups;  
(4) define procedures aimed at eliminating duplication of services relating to assessment and diagnosis, treatment, residential placement and care, and case management of persons needing multiagency services;  
(5) define procedures for addressing disputes between the agencies that relate to the agencies' areas of service responsibilities;  
(6) provide that each local-level interagency staffing group includes:  
(A) a local representative of each agency;  
(B) representatives of local private sector agencies; and  
(C) family members or caregivers of persons needing multiagency services or other current or previous consumers of multiagency services acting as general consumer advocates;  
(7) provide that the local representative of each agency has authority to contribute agency resources to solving problems identified by the local-level interagency staffing group;  
(8) provide that if a person's needs exceed the resources of an agency, the agency may, with the consent of the person's legal guardian, if applicable, submit a referral on behalf of the person to the local-level interagency staffing group for consideration;

(B) physical and behavioral health care;  
(C) prevention and early intervention services, including services designed to prevent;  
(i) child abuse;  
(ii) neglect; or  
(iii) delinquency, truancy, or school dropout;  
(D) diversion from juvenile or criminal justice involvement;  
(E) housing;  
(F) [;] aging in place;  
(G) [;] emergency shelter;  
(H) [~~-, diagnosis and evaluation,~~] residential care;  
(I) [;] after-care;  
(J) [;] information and referral; [~~-, medical care,~~] and  
(K) investigation services;  
(2) include a functional definition of "persons needing multiagency services";  
(3) outline membership, officers, and necessary standing committees of local-level interagency staffing groups;  
(4) define procedures aimed at eliminating duplication of services relating to assessment and diagnosis, treatment, residential placement and care, and case management of persons needing multiagency services;  
(5) define procedures for addressing disputes between the agencies that relate to the agencies' areas of service responsibilities;  
(6) provide that each local-level interagency staffing group includes:  
(A) a local representative of each agency;  
(B) representatives of local private sector agencies; and  
(C) family members or caregivers of persons needing multiagency services or other current or previous consumers of multiagency services acting as general consumer advocates;  
(7) provide that the local representative of each agency has authority to contribute agency resources to solving problems identified by the local-level interagency staffing group;  
(8) provide that if a person's needs exceed the resources of an agency, the agency may, with the consent of the person's legal guardian, if applicable, submit a referral on behalf of the person to the local-level interagency staffing group for consideration;

(9) provide that a local-level interagency staffing group may be called together by a representative of any member agency;

(10) provide that an agency representative may be excused from attending a meeting if the staffing group determines that the age or needs of the person to be considered are clearly not within the agency's service responsibilities, provided that each agency representative is encouraged to attend all meetings to contribute to the collective ability of the staffing group to solve a person's need for multiagency services;

(11) define the relationship between state-level interagency staffing groups and local-level interagency staffing groups in a manner that defines, supports, and maintains local autonomy;

(12) provide that records that are used or developed by a local-level interagency staffing group or its members that relate to a particular person are confidential and may not be released to any other person or agency except as provided by this section or by other law; and

(13) provide a procedure that permits the agencies to share confidential information while preserving the confidential nature of the information.

(e) The agencies shall ensure that a state-level interagency staffing group provides:

(1) information and guidance to local interagency staffing groups regarding:

(A) the availability of programs and resources in the community; and

(B) best practices for addressing the needs of individuals with complex needs in the least restrictive setting appropriate; and

(2) a biennial report to the administrative head of each agency, the legislature, and the governor that includes:

(A) [~~1~~] the number of persons served through the local-level interagency staffing groups and the outcomes of the services provided;

(B) [~~2~~] a description of any barriers identified to the state's ability to provide effective services to persons needing multiagency services; and

(C) [~~3~~] any other information relevant to improving the delivery of services to persons needing multiagency services.

(9) provide that a local-level interagency staffing group may be called together by a representative of any member agency;

(10) provide that an agency representative may be excused from attending a meeting if the staffing group determines that the age or needs of the person to be considered are clearly not within the agency's service responsibilities, provided that each agency representative is encouraged to attend all meetings to contribute to the collective ability of the staffing group to solve a person's need for multiagency services;

(11) define the relationship between state-level interagency staffing groups and local-level interagency staffing groups in a manner that defines, supports, and maintains local autonomy;

(12) provide that records that are used or developed by a local-level interagency staffing group or its members that relate to a particular person are confidential and may not be released to any other person or agency except as provided by this section or by other law; and

(13) provide a procedure that permits the agencies to share confidential information while preserving the confidential nature of the information.

(e) The agencies shall ensure that a state-level interagency staffing group provides:

(1) information and guidance to local-level interagency staffing groups regarding:

(A) the availability of programs and resources in the community; and

(B) best practices for addressing the needs of persons with complex needs in the least restrictive setting appropriate; and

(2) a biennial report to the administrative head of each agency, the legislature, and the governor that includes:

(A) [~~1~~] the number of persons served through the local-level interagency staffing groups and the outcomes of the services provided;

(B) [~~2~~] a description of any barriers identified to the state's ability to provide effective services to persons needing multiagency services; and

(C) [~~3~~] any other information relevant to improving the delivery of services to persons needing multiagency services.

(f) In this section, "least restrictive setting" means a service setting for a person that, in comparison to other available service

settings:

(1) is most able to meet the identified needs of the person;

(2) prioritizes a home and community-based care setting; and

(3) engages the strengths of the family.

SECTION 2. As soon as practicable after the effective date of this Act, but not later than December 1, 2017, the Health and Human Services Commission, the Department of Family and Protective Services, the Department of State Health Services, the Texas Education Agency, the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Texas Department of Criminal Justice, the Texas Department of Housing and Community Affairs, the Texas Workforce Commission, and the Texas Juvenile Justice Department shall update the joint memorandum of understanding required under Section 531.055, Government Code, as amended by this Act.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.