

By: White

H.B. No. 2904

Substitute the following for H.B. No. 2904:

By: Frank

C.S.H.B. No. 2904

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the memorandum of understanding among certain agencies
3 to coordinate services provided to persons needing multiagency
4 services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

1 understanding.

2 (b) The memorandum must:

3 (1) clarify the statutory responsibilities of each
4 agency in relation to persons needing multiagency services,
5 including subcategories for different services such as:

6 (A) [~~prevention,~~ family preservation and
7 strengthening;

8 (B) physical and behavioral health care;

9 (C) prevention and early intervention services,
10 including services designed to prevent:

11 (i) child abuse;

12 (ii) neglect; or

13 (iii) delinquency, truancy, or school
14 dropout;

15 (D) diversion from juvenile or criminal justice
16 involvement;

17 (E) housing;

18 (F) [~~7~~] aging in place;

19 (G) [~~7~~] emergency shelter;

20 (H) [~~7-diagnosis and evaluation,~~] residential
21 care;

22 (I) [~~7~~] after-care;

23 (J) [~~7~~] information and referral; [~~7-medical~~
24 ~~care,~~] and

25 (K) investigation services;

26 (2) include a functional definition of "persons
27 needing multiagency services";

1 (3) outline membership, officers, and necessary
2 standing committees of local-level interagency staffing groups;

3 (4) define procedures aimed at eliminating
4 duplication of services relating to assessment and diagnosis,
5 treatment, residential placement and care, and case management of
6 persons needing multiagency services;

7 (5) define procedures for addressing disputes between
8 the agencies that relate to the agencies' areas of service
9 responsibilities;

10 (6) provide that each local-level interagency
11 staffing group includes:

12 (A) a local representative of each agency;

13 (B) representatives of local private sector
14 agencies; and

15 (C) family members or caregivers of persons
16 needing multiagency services or other current or previous consumers
17 of multiagency services acting as general consumer advocates;

18 (7) provide that the local representative of each
19 agency has authority to contribute agency resources to solving
20 problems identified by the local-level interagency staffing group;

21 (8) provide that if a person's needs exceed the
22 resources of an agency, the agency may, with the consent of the
23 person's legal guardian, if applicable, submit a referral on behalf
24 of the person to the local-level interagency staffing group for
25 consideration;

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

1 agency;

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

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

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

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

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

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

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

27 (B) best practices for addressing the needs of

1 persons with complex needs in the least restrictive setting
2 appropriate; and

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

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

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

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

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

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

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

21 (3) engages the strengths of the family.

22 SECTION 2. As soon as practicable after the effective date
23 of this Act, but not later than December 1, 2017, the Health and
24 Human Services Commission, the Department of Family and Protective
25 Services, the Department of State Health Services, the Texas
26 Education Agency, the Texas Correctional Office on Offenders with
27 Medical or Mental Impairments, the Texas Department of Criminal

1 Justice, the Texas Department of Housing and Community Affairs, the
2 Texas Workforce Commission, and the Texas Juvenile Justice
3 Department shall update the joint memorandum of understanding
4 required under Section [531.055](#), Government Code, as amended by this
5 Act.

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