

1-1 By: White (Senate Sponsor - Watson) H.B. No. 2904
 1-2 (In the Senate - Received from the House May 5, 2017;
 1-3 May 10, 2017, read first time and referred to Committee on Health &
 1-4 Human Services; May 19, 2017, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the memorandum of understanding among certain agencies
 1-20 to coordinate services provided to persons needing multiagency
 1-21 services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 531.055, Government Code, is amended by
 1-24 amending Subsections (a), (b), and (e) and adding Subsection (f) to
 1-25 read as follows:

1-26 (a) The Health and Human Services Commission, the
 1-27 Department of Family and Protective Services, the Department of
 1-28 State Health Services, the Texas Education Agency [~~Each health and~~
 1-29 ~~human services agency~~], the Texas Correctional Office on Offenders
 1-30 with Medical or Mental Impairments, the Texas Department of
 1-31 Criminal Justice, the Texas Department of Housing and Community
 1-32 Affairs, the Texas Workforce Commission, and the Texas Juvenile
 1-33 Justice Department shall enter into a joint memorandum of
 1-34 understanding to promote a system of local-level interagency
 1-35 staffing groups to identify and coordinate services for persons
 1-36 needing multiagency services to be provided in the least
 1-37 restrictive setting appropriate, using residential, institutional,
 1-38 or congregate care settings only as a last resort. The division
 1-39 within the Health and Human Services Commission that coordinates
 1-40 the policy and delivery of mental health services shall oversee the
 1-41 development and implementation of the joint memorandum of
 1-42 understanding.

1-43 (b) The memorandum must:

1-44 (1) clarify the statutory responsibilities of each
 1-45 agency in relation to persons needing multiagency services,
 1-46 including subcategories for different services such as:

1-47 (A) [prevention,] family preservation and
 1-48 strengthening;

1-49 (B) physical and behavioral health care;

1-50 (C) prevention and early intervention services,
 1-51 including services designed to prevent:

1-52 (i) child abuse;

1-53 (ii) neglect; or

1-54 (iii) delinquency, truancy, or school
 1-55 dropout;

1-56 (D) diversion from juvenile or criminal justice
 1-57 involvement;

1-58 (E) housing;

1-59 (F) [] aging in place;

1-60 (G) [] emergency shelter;

1-61 (H) [] diagnosis and evaluation, residential

2-1 care;

2-2 (I) [~~7~~] after-care;

2-3 (J) [~~7~~] information and referral; [~~7~~—medical

2-4 care,] and

2-5 (K) investigation services;

2-6 (2) include a functional definition of "persons

2-7 needing multiagency services";

2-8 (3) outline membership, officers, and necessary

2-9 standing committees of local-level interagency staffing groups;

2-10 (4) define procedures aimed at eliminating

2-11 duplication of services relating to assessment and diagnosis,

2-12 treatment, residential placement and care, and case management of

2-13 persons needing multiagency services;

2-14 (5) define procedures for addressing disputes between

2-15 the agencies that relate to the agencies' areas of service

2-16 responsibilities;

2-17 (6) provide that each local-level interagency

2-18 staffing group includes:

2-19 (A) a local representative of each agency;

2-20 (B) representatives of local private sector

2-21 agencies; and

2-22 (C) family members or caregivers of persons

2-23 needing multiagency services or other current or previous consumers

2-24 of multiagency services acting as general consumer advocates;

2-25 (7) provide that the local representative of each

2-26 agency has authority to contribute agency resources to solving

2-27 problems identified by the local-level interagency staffing group;

2-28 (8) provide that if a person's needs exceed the

2-29 resources of an agency, the agency may, with the consent of the

2-30 person's legal guardian, if applicable, submit a referral on behalf

2-31 of the person to the local-level interagency staffing group for

2-32 consideration;

2-33 (9) provide that a local-level interagency staffing

2-34 group may be called together by a representative of any member

2-35 agency;

2-36 (10) provide that an agency representative may be

2-37 excused from attending a meeting if the staffing group determines

2-38 that the age or needs of the person to be considered are clearly not

2-39 within the agency's service responsibilities, provided that each

2-40 agency representative is encouraged to attend all meetings to

2-41 contribute to the collective ability of the staffing group to solve

2-42 a person's need for multiagency services;

2-43 (11) define the relationship between state-level

2-44 interagency staffing groups and local-level interagency staffing

2-45 groups in a manner that defines, supports, and maintains local

2-46 autonomy;

2-47 (12) provide that records that are used or developed

2-48 by a local-level interagency staffing group or its members that

2-49 relate to a particular person are confidential and may not be

2-50 released to any other person or agency except as provided by this

2-51 section or by other law; and

2-52 (13) provide a procedure that permits the agencies to

2-53 share confidential information while preserving the confidential

2-54 nature of the information.

2-55 (e) The agencies shall ensure that a state-level

2-56 interagency staffing group provides:

2-57 (1) information and guidance to local-level

2-58 interagency staffing groups regarding:

2-59 (A) the availability of programs and resources in

2-60 the community; and

2-61 (B) best practices for addressing the needs of

2-62 persons with complex needs in the least restrictive setting

2-63 appropriate; and

2-64 (2) a biennial report to the administrative head of

2-65 each agency, the legislature, and the governor that includes:

2-66 (A) [~~1~~] the number of persons served through

2-67 the local-level interagency staffing groups and the outcomes of the

2-68 services provided;

2-69 (B) [~~2~~] a description of any barriers

3-1 identified to the state's ability to provide effective services to
3-2 persons needing multiagency services; and
3-3 (C) [~~(3)~~] any other information relevant to
3-4 improving the delivery of services to persons needing multiagency
3-5 services.

3-6 (f) In this section, "least restrictive setting" means a
3-7 service setting for a person that, in comparison to other available
3-8 service settings:

3-9 (1) is most able to meet the identified needs of the
3-10 person;

3-11 (2) prioritizes a home and community-based care
3-12 setting; and

3-13 (3) engages the strengths of the family.

3-14 SECTION 2. As soon as practicable after the effective date
3-15 of this Act, but not later than December 1, 2017, the Health and
3-16 Human Services Commission, the Department of Family and Protective
3-17 Services, the Department of State Health Services, the Texas
3-18 Education Agency, the Texas Correctional Office on Offenders with
3-19 Medical or Mental Impairments, the Texas Department of Criminal
3-20 Justice, the Texas Department of Housing and Community Affairs, the
3-21 Texas Workforce Commission, and the Texas Juvenile Justice
3-22 Department shall update the joint memorandum of understanding
3-23 required under Section 531.055, Government Code, as amended by this
3-24 Act.

3-25 SECTION 3. This Act takes effect September 1, 2017.

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