

By: Nelson

S.B. No. 1021

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reports on the consolidation and certain functions of
3 the health and human services system, including advisory committees
4 within the system, and the re-creation of the Texas system of care
5 framework.

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

7 SECTION 1. Section 531.0051(c), Government Code, is amended
8 to read as follows:

9 (c) The council is composed of:

10 (1) the executive commissioner;

11 (2) the director of each division established by the
12 executive commissioner under Section 531.008(c);

13 (3) the commissioner of a health and human services
14 agency; ~~and~~

15 (4) the commissioner of the Department of Family and
16 Protective Services, regardless of whether that agency continues as
17 a state agency separate from the commission; and

18 (5) other individuals appointed by the executive
19 commissioner as the executive commissioner determines necessary.

20 SECTION 2. Sections 531.02031(a) and (b), Government Code,
21 are amended to read as follows:

22 (a) Not later than July 31 [~~September 1~~], 2018, the
23 executive commissioner shall conduct a study and submit a report
24 and recommendations [~~recommendation~~] to the Health and Human

1 Services Transition Legislative Oversight Committee that include:

2 (1) a recommendation regarding the need to continue
3 the Department of Family and Protective Services as a state agency
4 separate from the commission, unless a determination on the
5 continuation is made before that date;

6 (2) a recommendation regarding the need to continue
7 ~~[and]~~ the Department of State Health Services as a state agency
8 ~~[agencies]~~ separate from the commission;

9 (3) an assessment of the quality and consistency of
10 data sharing, communication, and coordination between the
11 Department of Family and Protective Services and the commission;
12 and

13 (4) an assessment of any known or potential conflicts
14 of interest concerning licensing and regulation activities by the
15 Department of Family and Protective Services or the commission,
16 including the process by which known conflicts of interest are
17 mitigated or managed by those agencies.

18 (b) Not later than December 1, 2018, the Health and Human
19 Services Transition Legislative Oversight Committee shall review
20 the report and recommendations ~~[recommendation]~~ submitted under
21 Subsection (a) and submit a report and recommendations
22 ~~[recommendation]~~ to the legislature that include:

23 (1) a recommendation regarding the need to continue
24 the Department of Family and Protective Services as a state agency
25 separate from the commission, unless a determination on the
26 continuation is made before that date;

27 (2) a recommendation regarding the need to continue

1 [~~and~~] the Department of State Health Services as a state agency
2 [~~agencies~~] separate from the commission; and

3 (3) an assessment of and any necessary recommendations
4 concerning data sharing, communication, and coordination between
5 the Department of Family and Protective Services and the
6 commission.

7 SECTION 3. Section 531.251, Government Code, is reenacted
8 to read as follows:

9 Sec. 531.251. TEXAS SYSTEM OF CARE FRAMEWORK. (a) In this
10 section:

11 (1) "Minor" means an individual younger than 18 years
12 of age.

13 (2) "Serious emotional disturbance" means a mental,
14 behavioral, or emotional disorder of sufficient duration to result
15 in functional impairment that substantially interferes with or
16 limits a person's role or ability to function in family, school, or
17 community activities.

18 (3) "System of care framework" means a framework for
19 collaboration among state agencies, minors who have a serious
20 emotional disturbance or are at risk of developing a serious
21 emotional disturbance, and the families of those minors that
22 improves access to services and delivers effective community-based
23 services that are family-driven, youth- or young adult-guided, and
24 culturally and linguistically competent.

25 (b) The commission shall implement a system of care
26 framework to develop local mental health systems of care in
27 communities for minors who are receiving residential mental health

1 services and supports or inpatient mental health hospitalization,
2 have or are at risk of developing a serious emotional disturbance,
3 or are at risk of being removed from the minor's home and placed in a
4 more restrictive environment to receive mental health services and
5 supports, including an inpatient mental health hospital, a
6 residential treatment facility, or a facility or program operated
7 by the Department of Family and Protective Services or an agency
8 that is part of the juvenile justice system.

9 (c) The commission shall:

10 (1) maintain a comprehensive plan for the delivery of
11 mental health services and supports to a minor and a minor's family
12 using a system of care framework, including best practices in the
13 financing, administration, governance, and delivery of those
14 services;

15 (2) enter memoranda of understanding with the
16 Department of State Health Services, the Department of Family and
17 Protective Services, the Texas Education Agency, the Texas Juvenile
18 Justice Department, and the Texas Correctional Office on Offenders
19 with Medical or Mental Impairments that specify the roles and
20 responsibilities of each agency in implementing the comprehensive
21 plan described by Subdivision (1);

22 (3) identify appropriate local, state, and federal
23 funding sources to finance infrastructure and mental health
24 services and supports needed to support state and local system of
25 care framework efforts;

26 (4) develop an evaluation system to measure
27 cross-system performance and outcomes of state and local system of

1 care framework efforts; and

2 (5) in implementing the provisions of this section,
3 consult with stakeholders, including:

4 (A) minors who have or are at risk of developing a
5 serious emotional disturbance or young adults who received mental
6 health services and supports as a minor with or at risk of
7 developing a serious emotional disturbance; and

8 (B) family members of those minors or young
9 adults.

10 SECTION 4. Not later than July 31, 2018, the executive
11 commissioner of the Health and Human Services Commission shall
12 submit to the Health and Human Services Transition Legislative
13 Oversight Committee the report required by Section 531.02031(a),
14 Government Code, as amended by this Act. The report must also
15 include:

16 (1) the latest information available on the
17 commission's progress in transferring and consolidating the
18 administrative support services functions of the health and human
19 services system as mandated by Subchapter A-1, Chapter 531,
20 Government Code; and

21 (2) recommendations on:

22 (A) whether to abolish each statutory advisory
23 committee that considers issues related to the health and human
24 services system; and

25 (B) for an advisory committee for which
26 abolishment is recommended, whether to reestablish the advisory
27 committee by rule, consolidate the advisory committee with another

1 advisory committee, or permanently discontinue the advisory
2 committee in any form.

3 SECTION 5. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2017.