

1-1 By: Nelson S.B. No. 1021
1-2 (In the Senate - Filed February 22, 2017; March 6, 2017,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; May 1, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 1, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			
1-15	<u>X</u>			
1-16	<u>X</u>			
1-17	<u>X</u>			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1021 By: Kolkhorst

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to reports on the consolidation and certain functions of
1-22 the health and human services system, including advisory committees
1-23 within the system, and the re-creation of the Texas system of care
1-24 framework.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 531.0051(c), Government Code, is amended
1-27 to read as follows:

1-28 (c) The council is composed of:

1-29 (1) the executive commissioner;

1-30 (2) the director of each division established by the
1-31 executive commissioner under Section 531.008(c);

1-32 (3) the commissioner of a health and human services
1-33 agency; ~~and~~

1-34 (4) the commissioner of the Department of Family and
1-35 Protective Services, regardless of whether that agency continues as
1-36 a state agency separate from the commission; and

1-37 (5) other individuals appointed by the executive
1-38 commissioner as the executive commissioner determines necessary.

1-39 SECTION 2. Sections 531.02031(a) and (b), Government Code,
1-40 are amended to read as follows:

1-41 (a) Not later than July 31 [~~September 1~~], 2018, the
1-42 executive commissioner shall conduct a study and submit a report
1-43 and recommendations [~~recommendation~~] to the Health and Human
1-44 Services Transition Legislative Oversight Committee that include:

1-45 (1) a recommendation regarding the need to continue
1-46 the Department of Family and Protective Services as a state agency
1-47 separate from the commission, unless a determination on the
1-48 continuation is made before that date;

1-49 (2) a recommendation regarding the need to continue
1-50 [~~and~~] the Department of State Health Services as a state agency
1-51 [~~agencies~~] separate from the commission;

1-52 (3) an assessment of the quality and consistency of
1-53 data sharing, communication, and coordination between the
1-54 Department of Family and Protective Services and the commission;
1-55 and

1-56 (4) an assessment of any known or potential conflicts
1-57 of interest concerning licensing and regulation activities by the
1-58 Department of Family and Protective Services or the commission,
1-59 including the process by which known conflicts of interest are
1-60 mitigated or managed by those agencies.

2-1 (b) Not later than December 1, 2018, the Health and Human
2-2 Services Transition Legislative Oversight Committee shall review
2-3 the report and recommendations [~~recommendation~~] submitted under
2-4 Subsection (a) and submit a report and recommendations
2-5 [~~recommendation~~] to the legislature that include:

2-6 (1) a recommendation regarding the need to continue
2-7 the Department of Family and Protective Services as a state agency
2-8 separate from the commission, unless a determination on the
2-9 continuation is made before that date;

2-10 (2) a recommendation regarding the need to continue
2-11 [and] the Department of State Health Services as a state agency
2-12 [agencies] separate from the commission; and

2-13 (3) an assessment of and any necessary recommendations
2-14 concerning data sharing, communication, and coordination between
2-15 the Department of Family and Protective Services and the
2-16 commission.

2-17 SECTION 3. Section 531.251, Government Code, is reenacted
2-18 to read as follows:

2-19 Sec. 531.251. TEXAS SYSTEM OF CARE FRAMEWORK. (a) In this
2-20 section:

2-21 (1) "Minor" means an individual younger than 18 years
2-22 of age.

2-23 (2) "Serious emotional disturbance" means a mental,
2-24 behavioral, or emotional disorder of sufficient duration to result
2-25 in functional impairment that substantially interferes with or
2-26 limits a person's role or ability to function in family, school, or
2-27 community activities.

2-28 (3) "System of care framework" means a framework for
2-29 collaboration among state agencies, minors who have a serious
2-30 emotional disturbance or are at risk of developing a serious
2-31 emotional disturbance, and the families of those minors that
2-32 improves access to services and delivers effective community-based
2-33 services that are family-driven, youth- or young adult-guided, and
2-34 culturally and linguistically competent.

2-35 (b) The commission shall implement a system of care
2-36 framework to develop local mental health systems of care in
2-37 communities for minors who are receiving residential mental health
2-38 services and supports or inpatient mental health hospitalization,
2-39 have or are at risk of developing a serious emotional disturbance,
2-40 or are at risk of being removed from the minor's home and placed in a
2-41 more restrictive environment to receive mental health services and
2-42 supports, including an inpatient mental health hospital, a
2-43 residential treatment facility, or a facility or program operated
2-44 by the Department of Family and Protective Services or an agency
2-45 that is part of the juvenile justice system.

2-46 (c) The commission shall:

2-47 (1) maintain a comprehensive plan for the delivery of
2-48 mental health services and supports to a minor and a minor's family
2-49 using a system of care framework, including best practices in the
2-50 financing, administration, governance, and delivery of those
2-51 services;

2-52 (2) enter memoranda of understanding with the
2-53 Department of State Health Services, the Department of Family and
2-54 Protective Services, the Texas Education Agency, the Texas Juvenile
2-55 Justice Department, and the Texas Correctional Office on Offenders
2-56 with Medical or Mental Impairments that specify the roles and
2-57 responsibilities of each agency in implementing the comprehensive
2-58 plan described by Subdivision (1);

2-59 (3) identify appropriate local, state, and federal
2-60 funding sources to finance infrastructure and mental health
2-61 services and supports needed to support state and local system of
2-62 care framework efforts;

2-63 (4) develop an evaluation system to measure
2-64 cross-system performance and outcomes of state and local system of
2-65 care framework efforts; and

2-66 (5) in implementing the provisions of this section,
2-67 consult with stakeholders, including:

2-68 (A) minors who have or are at risk of developing a
2-69 serious emotional disturbance or young adults who received mental

3-1 health services and supports as a minor with or at risk of
3-2 developing a serious emotional disturbance; and
3-3 (B) family members of those minors or young
3-4 adults.

3-5 SECTION 4. Not later than July 31, 2018, the executive
3-6 commissioner of the Health and Human Services Commission shall
3-7 submit to the Health and Human Services Transition Legislative
3-8 Oversight Committee the report required by Section 531.02031(a),
3-9 Government Code, as amended by this Act. The report must also
3-10 include:

3-11 (1) the latest information available on the
3-12 commission's progress in transferring and consolidating the
3-13 administrative support services functions of the health and human
3-14 services system as mandated by Subchapter A-1, Chapter 531,
3-15 Government Code; and

3-16 (2) recommendations on:

3-17 (A) whether to abolish each statutory advisory
3-18 committee that considers issues related to the health and human
3-19 services system; and

3-20 (B) for an advisory committee for which
3-21 abolishment is recommended, whether to reestablish the advisory
3-22 committee by rule, consolidate the advisory committee with another
3-23 advisory committee, or permanently discontinue the advisory
3-24 committee in any form.

3-25 SECTION 5. This Act takes effect immediately if it receives
3-26 a vote of two-thirds of all the members elected to each house, as
3-27 provided by Section 39, Article III, Texas Constitution. If this
3-28 Act does not receive the vote necessary for immediate effect, this
3-29 Act takes effect September 1, 2017.

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