87R4979 JG-F

By:  Rose H.B. No. 4265

A BILL TO BE ENTITLED

AN ACT

relating to the provision of peer services, including family partner peer support services by family partners, and the provision of those services under Medicaid.

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

SECTION 1.  Section 531.0999(a), Government Code, as added by Chapter 1015 (H.B. 1486), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a)  With input from mental health and substance use peer specialists and the work group described by Subsection (b), the commission shall develop and the executive commissioner shall adopt:

(1)  rules that establish training requirements for peer specialists so that they are able to provide services to persons with mental illness or services to persons with substance use conditions;

(2)  rules that establish certification and supervision requirements for peer specialists;

(3)  rules that define the scope of services that peer specialists may provide;

(4)  rules that distinguish peer services from other services that a person must hold a license to provide; [~~and~~]

(5)  rules that require the provision of peer services by a peer specialist to persons who:

(A)  are 18 years of age or older but younger than 22 years of age; and

(B)  request to receive those services; and

(6)  any other rules necessary to protect the health and safety of persons receiving peer services.

SECTION 2.  Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.09991 to read as follows:

Sec. 531.09991.  PROVISION OF FAMILY PARTNER PEER SUPPORT SERVICES BY FAMILY PARTNERS. (a) With input from family partners and the work group established under Subsection (b), the commission shall develop and the executive commissioner shall adopt:

(1)  rules that establish training requirements for family partners so that they are able to provide family partner peer support services to families of children and youth with mental illness or substance use conditions;

(2)  rules that establish certification and supervision requirements for family partners;

(3)  rules that define the scope of services that family partners may provide;

(4)  rules that distinguish family partner peer support services from other services a person must hold a license or certificate to provide;

(5)  rules that require the provision of family partner peer support services by a family partner to persons who:

(A)  are 18 years of age or older but younger than 22 years of age; and

(B)  request to receive those services; and

(6)  any other rules necessary to protect the health and safety of persons receiving family partner peer support services.

(b)  The commission shall establish a stakeholder work group to provide input for the adoption of rules under Subsection (a). The work group is composed of the following stakeholders appointed by the executive commissioner:

(1)  one representative of each organization identified by the commission that certifies mental health and substance use peer specialists and family partners in this state;

(2)  one representative of a local mental health authority located in a rural area that employs a family partner;

(3)  one representative of a local mental health authority located in an urban area that employs a family partner;

(4)  one family partner certified at an advanced or master level who works in a rural area;

(5)  one family partner certified at an advanced or master level who works in an urban area;

(6)  one family partner certified at an advanced or master level who works with families of children or youth with a dual diagnosis of a mental illness and substance use condition;

(7)  one family partner certified at an advanced or master level who provides services to a child with a dual diagnosis of a mental illness and developmental disability;

(8)  the designated family engagement specialist under the Texas System of Care Framework implemented under Section 531.251;

(9)  representatives of the peer and family partner subcommittee of the behavioral health advisory committee, including at least one member of the subcommittee who is a youth representative;

(10)  two individuals who conduct family partner certification training;

(11)  one family partner certified at the master level who serves as a supervisor to family partners;

(12)  one transition aged youth specialist who serves on the behavioral health advisory committee or the child and youth behavioral health subcommittee of the behavioral health advisory committee; and

(13)  any other person considered appropriated by the executive commissioner.

(c)  The executive commissioner shall appoint one member of the work group to serve as presiding officer.

(d)  The work group shall meet once every month.

(e)  The work group is automatically abolished on the adoption of rules under Subsection (a).

(f)  If the executive commissioner has not adopted rules under Subsection (a) by September 1, 2022, the executive commissioner shall submit on that date a written report to the governor, the lieutenant governor, the speaker of the house of representatives, the chair of the Senate Health and Human Services Committee or its successor, and the chair of the House Public Health Committee or its successor explaining why the rules have not yet been adopted. This subsection expires September 1, 2023.

SECTION 3.  Section 32.024, Human Resources Code, is amended by adding Subsection (ll) to read as follows:

(ll) The commission in its rules and standards governing the scope of services provided under the medical assistance program shall include family partner peer support services provided by certified family partners to the extent permitted by federal law.

SECTION 4.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall:

(1)  appoint the members of the stakeholder work group established by Section 531.09991(b), Government Code, as added by this Act; and

(2)  adopt the rules required by Section 531.0999(a), Government Code, as amended by this Act, and Section 531.09991(a), Government Code, as added by this Act.

SECTION 5.  If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.