2021S0089-2 02/26/21

By:  Schwertner S.B. No. 910

A BILL TO BE ENTITLED

AN ACT

relating to implementation options for the provision of community-based family preservation services and certain other health and human services by certain state agencies or contractors and to the repeal of a prior pilot program for family-based safety services.

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

SECTION 1.  Subchapter B-1, Chapter 264, Family Code, is amended by adding Section 264.1691 to read as follows:

Sec. 264.1691.  COMMUNITY-BASED FAMILY PRESERVATION SERVICES. (a) In this section:

(1)  "Community-based family preservation services" means family preservation services provided by a community-based entity under a contract with the department.

(2)  "Family preservation services" means services designed to maintain children in their families of origin and ameliorate the effects of abuse or neglect, or reduce the risk of abuse or neglect. The term includes:

(A)  family support services;

(B)  services to promote safe and stable families;

(C)  Title IV-E prevention services;

(D)  family-based safety services; and

(E)  any similar efforts of the department or its designees to maintain a child who:

(i)  has been abused or neglected in the child's home; or

(ii)  is at direct risk of abuse or neglect in the child's home.

(b)  The department shall develop a comprehensive list of options for how to implement coordinated community-based family preservation services through:

(1)  contract with current single-source continuum contractors in existing catchment areas; and

(2)  competitive procurement for contractors in existing catchment areas.

(c)  In developing the list of options under Subsection (b), the department shall:

(1)  compare existing department functions related to family preservation, including assessments of child safety and child removals, and examine how these functions would be completed in a contracted model;

(2)  consider the results from previous community needs assessments and capacity development plans conducted within the last 10 years; and

(3)  consider:

(A)  Title IV-E prevention services in the delivery of community-based family preservation services and, contingent upon appropriation, the appropriate use of these services;

(B)  financial modeling to be used to determine cost for implementation, including the costs of:

(i)  startup funding;

(ii)  purchased client services;

(iii)  strategies for shared financial risk; and

(iv)  rate methodology;

(C)  procedures related to transitions between case stages, including:

(i)  from investigations to family preservation; and

(ii)  from family preservation to foster care;

(D)  how to maximize evidence-based services and methods to increase the evidence base for Texas family preservation programs;

(E)  requirements necessary to comply with federal statutes in order to receive matching funds for certain prevention services;

(F)  appropriate performance measures for contracted services, including associated financial remedies and incentives;

(G)  how to maximize existing funding streams and programs related to behavioral health and substance use within the Health and Human Services Commission;

(H)  appropriate contract provisions to ensure a clear distinction of funds, personnel, and processes for family preservation services and foster care services;

(I)  conflict resolution procedures between the department and any contractors concerning:

(i)  service plans;

(ii)  services; and

(iii)  case action for any children or families served by a contractor;

(J)  appropriate oversight structures to manage contract compliance, contractor performance, and child and family safety;

(K)  appropriate contract provisions to ensure community engagement, including appropriate partnerships with faith-based organizations;

(L)  recommendations for statutory changes necessary to support the department's implementation options; and

(M)  any other information the department determines necessary to inform the legislature about how to direct the department on the implementation of community-based family preservation services.

(d)  In developing implementation options under this section, the department shall incorporate relevant information already developed through prior efforts. The department shall also consider similar service models in other states.

(e)  In developing implementation options under this section, the department shall collaborate with the Health and Human Services Commission as needed, including on:

(1)  recommendations for the provision of behavioral health and substance use services; and

(2)  appropriate rate methodology.

(f)  In developing implementation options under this section, the department shall allow for stakeholder input on the provision of behavioral health and substance use services.

(g)  The department may contract for any or all of the requirements of this section.

(h)  This section expires August 31, 2023.

SECTION 2.  The following laws are repealed:

(1)  Section 264.169, Family Code; and

(2)  Section 40.0581(f), Human Resources Code.

SECTION 3.  Not later than October 1, 2022, the Department of Family and Protective Services shall submit copies of the options described by Section 264.1691, Family Code, as added by this Act, along with any associated recommendations, to the:

(1)  governor;

(2)  lieutenant governor;

(3)  speaker of the house of representatives;

(4)  House Committee on Appropriations;

(5)  Senate Committee on Finance;

(6)  House Committee on Human Services; and

(7)  Senate Committee on Health and Human Services.

SECTION 4.  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.