

1-1 By: Kolkhorst S.B. No. 1896
 1-2 (In the Senate - Filed March 12, 2021; March 26, 2021, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 21, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 21, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1896 By: Hall

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

1-21 relating to the regulation of child-care facilities and foster care
 1-22 placements and services and the creation of the Office of
 1-23 Community-Based Care Transition.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter E, Chapter 263, Family Code, is
 1-26 amended by adding Section 263.409 to read as follows:

1-27 Sec. 263.409. FINAL NOTIFICATION OF BENEFITS RELATED TO
 1-28 KINSHIP VERIFICATION. Before a court enters a final order naming a
 1-29 relative or another adult with a longstanding and significant
 1-30 relationship with a foster child as the permanent managing
 1-31 conservator for the child, the court shall verify that:

1-32 (1) the individual was offered the opportunity to
 1-33 become verified by a licensed child-placing agency to qualify for
 1-34 permanency care assistance benefits under Subchapter K, Chapter
 1-35 264, and the individual declined the verification process and the
 1-36 permanency care assistance benefits; and

1-37 (2) the child-placing agency conducting the
 1-38 verification for the individual's permanency care assistance
 1-39 benefits has been notified of the individual's decision to decline
 1-40 the permanency care assistance benefits.

1-41 SECTION 2. Subchapter B, Chapter 264, Family Code, is
 1-42 amended by adding Sections 264.1071 and 264.1073 to read as
 1-43 follows:

1-44 Sec. 264.1071. OFFICE STAYS PROHIBITED. The department may
 1-45 not allow a child to stay overnight in a department office.

1-46 Sec. 264.1073. TREATMENT FOSTER CARE. The department and
 1-47 single source continuum contractors shall:

1-48 (1) lessen employment restrictions to allow single
 1-49 parents to participate in treatment foster care, when quality care
 1-50 is assured;

1-51 (2) expand the eligible age for treatment foster care
 1-52 to include children 10 years of age or older;

1-53 (3) prepare and plan for the subsequent placement not
 1-54 later than the 30th day after a child is placed in treatment foster
 1-55 care to assist in the transition to the least restrictive
 1-56 placement; and

1-57 (4) extend the length of time for a treatment foster
 1-58 care placement.

1-59 SECTION 3. Subchapter B, Chapter 264, Family Code, is
 1-60 amended by adding Section 264.117 to read as follows:

2-1 Sec. 264.117. MENTORS FOR FOSTER CHILDREN. (a) The
2-2 department and each single source continuum contractor in this
2-3 state, in collaboration with local governmental entities and
2-4 faith- and community-based organizations, shall examine the
2-5 feasibility of designing a volunteer mentor program for children in
2-6 congregate care settings.

2-7 (b) Not later than December 31, 2022, the department shall
2-8 report its findings and recommendations for establishing a mentor
2-9 program to the legislature.

2-10 (c) This section expires September 1, 2023.

2-11 SECTION 4. (a) Section 264.1261, Family Code, is amended by
2-12 adding Subsections (b-1), (b-2), and (b-3) to read as follows:

2-13 (b-1) Notwithstanding Section 264.0011, the Health and
2-14 Human Services Commission in collaboration with the department, and
2-15 each single source continuum contractor in this state, shall
2-16 develop a plan to increase the placement capacity in each catchment
2-17 area of the state with the goal of eliminating the need to place a
2-18 child outside of the child's community. The commission shall
2-19 consider whether contracting for additional capacity at
2-20 residential treatment centers, facilities that provide mental
2-21 inpatient or outpatient beds for children with behavioral health or
2-22 mental health needs, and other potential temporary placement
2-23 options provide the best methods for meeting capacity shortages.

2-24 (b-2) The plan required by Subsection (b-1) must include
2-25 information and contingency plans to ensure adequate capacity in
2-26 other facilities to meet placement needs when a facility is placed
2-27 on probation.

2-28 (b-3) The department and each single source continuum
2-29 contractor shall contract with facilities for reserve beds to
2-30 ensure the department may place each child in a facility if capacity
2-31 is otherwise unavailable.

2-32 (b) Sections 264.1261(a) and (b), Family Code, as added by
2-33 Chapter 822 (H.B. 1549), Acts of the 85th Legislature, Regular
2-34 Session, 2017, are repealed.

2-35 SECTION 5. Subchapter B-1, Chapter 264, Family Code, is
2-36 amended by adding Sections 264.171 and 264.172 to read as follows:

2-37 Sec. 264.171. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON
2-38 COMMUNITY-BASED CARE TRANSITION. (a) Notwithstanding Section
2-39 264.0011, in this section:

2-40 (1) "Commission" means the Health and Human Services
2-41 Commission.

2-42 (2) "Committee" means the Joint Legislative Oversight
2-43 Committee on Community-Based Care Transition.

2-44 (3) "Department" means the Department of Family and
2-45 Protective Services.

2-46 (b) The Joint Legislative Oversight Committee on
2-47 Community-Based Care Transition is composed of six voting members
2-48 as follows:

2-49 (1) three members of the senate, appointed by the
2-50 lieutenant governor; and

2-51 (2) three members of the house of representatives,
2-52 appointed by the speaker of the house of representatives.

2-53 (c) The lieutenant governor and speaker of the house of
2-54 representatives shall each appoint a member described by Subsection
2-55 (b)(1) or (2), respectively, to serve as joint chairs of the
2-56 committee.

2-57 (d) The committee shall meet at the call of the joint chairs
2-58 and may consider public testimony.

2-59 (e) The committee may employ persons necessary to carry out
2-60 this section through funds made available by the legislature.

2-61 (f) The committee shall monitor and report to the
2-62 legislature on the following related to the implementation of
2-63 community-based care:

2-64 (1) the funding of community-based care;

2-65 (2) the performance and outcomes of community-based
2-66 care statewide and by region;

2-67 (3) statutory or regulatory barriers to the successful
2-68 implementation of community-based care; and

2-69 (4) other challenges to the successful implementation

3-1 of community-based care.
3-2 (g) The committee may request any relevant information from
3-3 the commission, the department, or another relevant state agency,
3-4 and the commission, the department, or agency shall comply with the
3-5 request, unless the provision of the information is prohibited by
3-6 state or federal law.

3-7 (h) Not later than January 1 of each odd-numbered year, the
3-8 committee shall submit a written report of the committee's findings
3-9 and recommendations to the governor, the lieutenant governor, the
3-10 speaker of the house of representatives, and each member of the
3-11 standing committees of the senate and house of representatives
3-12 having primary jurisdiction over child welfare issues.

3-13 (i) The committee shall monitor the continued
3-14 implementation of community-based care and hold public hearings to
3-15 receive comments from the public on the implementation of
3-16 community-based care.

3-17 Sec. 264.172. OFFICE OF COMMUNITY-BASED CARE TRANSITION.

3-18 (a) In this section:

3-19 (1) "Department" means the Department of Family and
3-20 Protective Services.

3-21 (2) "Office" means the Office of Community-Based Care
3-22 Transition created under this section.

3-23 (b) The Office of Community-Based Care Transition is a state
3-24 agency independent of but administratively attached to the
3-25 department.

3-26 (c) The office shall:

3-27 (1) assess catchment areas in this state where
3-28 community-based care services may be implemented;

3-29 (2) develop a plan for implementing community-based
3-30 care in each catchment area in this state, including the order in
3-31 which community-based care will be implemented in each catchment
3-32 area and a timeline for implementation;

3-33 (3) evaluate community-based care providers;

3-34 (4) contract with community-based care providers to
3-35 provide services in each catchment area in this state;

3-36 (5) measure contract performance of community-based
3-37 care providers;

3-38 (6) provide contract oversight of community-based
3-39 care providers; and

3-40 (7) report outcomes of community-based care
3-41 providers.

3-42 (d) The department shall provide any administrative support
3-43 the office needs, and the department and the Health and Human
3-44 Services Commission shall provide access to any information and
3-45 legal counsel the office requires to implement community-based
3-46 care.

3-47 (e) The governor shall appoint the director of the office to
3-48 serve in that capacity at the pleasure of the governor. The
3-49 director reports directly to the governor.

3-50 (f) The office shall report to the legislature at least once
3-51 each calendar quarter regarding the implementation of
3-52 community-based care in the state.

3-53 (g) The office is abolished and this section expires January
3-54 1, 2027.

3-55 SECTION 6. (a) Subchapter A, Chapter 533, Government Code,
3-56 is amended by adding Sections 533.00521 and 533.00522 to read as
3-57 follows:

3-58 Sec. 533.00521. STAR HEALTH PROGRAM: HEALTH CARE FOR
3-59 FOSTER CHILDREN. (a) The commission shall annually evaluate the
3-60 use of benefits under the Medicaid program in the STAR Health
3-61 program offered to children in foster care and provide
3-62 recommendations to the Department of Family and Protective Services
3-63 and each single source continuum contractor in this state to better
3-64 coordinate the provision of health care and use of those benefits
3-65 for children in foster care.

3-66 (b) In conducting the evaluation required under Subsection
3-67 (a), the commission shall collaborate with residential child-care
3-68 providers regarding any unmet needs of children in foster care and
3-69 the development of capacity for providing quality medical,

4-1 behavioral health, and other services for children in foster care.
4-2 (c) The commission shall report its findings to the
4-3 legislature.

4-4 Sec. 533.00522. STAR HEALTH PROGRAM: MENTAL HEALTH
4-5 PROVIDERS. A contract between a Medicaid managed care organization
4-6 and the commission for the organization to provide health care
4-7 services to recipients under the STAR Health program must require
4-8 the organization to ensure the organization maintains a network of
4-9 mental and behavioral health providers, including child
4-10 psychiatrists and other appropriate providers, in all Department of
4-11 Family and Protective Services regions in this state, regardless of
4-12 whether community-based care has been implemented in any region.

4-13 (b) The changes in law made by this section apply only to a
4-14 contract for the provision of health care services under the STAR
4-15 Health program between the Health and Human Services Commission and
4-16 a Medicaid managed care organization under Chapter 533, Government
4-17 Code, that is entered into, renewed, or extended on or after the
4-18 effective date of this section.

4-19 (c) If before implementing Section 533.00522, Government
4-20 Code, as added by this section, the Health and Human Services
4-21 Commission determines that a waiver or authorization from a federal
4-22 agency is necessary for implementation of that provision, the
4-23 health and human services agency affected by the provision shall
4-24 request the waiver or authorization and may delay implementing that
4-25 provision until the waiver or authorization is granted.

4-26 SECTION 7. Subchapter C, Chapter 40, Human Resources Code,
4-27 is amended by adding Section 40.05291 to read as follows:

4-28 Sec. 40.05291. ELECTRONIC CASE MANAGEMENT SYSTEM. (a) The
4-29 department shall develop a plan to eliminate the department's use
4-30 of paper case files and fully transition to an electronic case
4-31 management system.

4-32 (b) The department shall implement a fully electronic case
4-33 management system not later than September 1, 2023.

4-34 (c) This section expires September 1, 2025.

4-35 SECTION 8. Subchapter C, Chapter 40, Human Resources Code,
4-36 is amended by adding Section 40.0583 to read as follows:

4-37 Sec. 40.0583. STATE AUDITOR REVIEW OF CONTRACTS. The state
4-38 auditor shall annually review the department's performance-based
4-39 contract to determine whether the department is properly enforcing
4-40 contract provisions with providers and to provide recommendations
4-41 for improving department oversight and execution of contracts.

4-42 SECTION 9. Subchapter C, Chapter 40, Human Resources Code,
4-43 is amended by adding Section 40.081 to read as follows:

4-44 Sec. 40.081. IMPLEMENTATION OF FEDERAL LAW. (a) In
4-45 furtherance of department duties under Section 40.002(d), the
4-46 department shall to the greatest extent possible develop capacity
4-47 for placement settings that are eligible for federal financial
4-48 participation under 42 U.S.C. Section 672, including settings:

4-49 (1) specializing in providing prenatal, postpartum,
4-50 or parenting support for youth;

4-51 (2) providing high-quality residential care and
4-52 supportive services to children and youth who this state has
4-53 reasonable cause to believe are, or who are at risk of being, sex
4-54 trafficking victims in accordance with 42 U.S.C. Section
4-55 671(a)(9)(C);

4-56 (3) providing supervised independent living for young
4-57 adults;

4-58 (4) offering residential family-based substance abuse
4-59 treatment as described by 42 U.S.C. Section 672(j); and

4-60 (5) serving as a qualified residential treatment
4-61 program.

4-62 (b) In developing capacity for settings described by
4-63 Subsection (a)(2), the department shall promote the use of
4-64 nationally recognized tools such as the Commercial Sexual
4-65 Exploitation-Identification Tool and any other indicated treatment
4-66 models or best practices for the treatment and prevention of sex
4-67 trafficking victimization.

4-68 SECTION 10. Subchapter B, Chapter 42, Human Resources Code,
4-69 is amended by adding Section 42.026 to read as follows:

5-1 Sec. 42.026. ACCESS TO DATABASE. (a) The commission shall
 5-2 make the child-care licensing division's searchable database
 5-3 accessible to commission and department investigators.

5-4 (b) The department shall make the department's searchable
 5-5 database accessible to commission and department investigators.

5-6 SECTION 11. Subchapter C, Chapter 42, Human Resources Code,
 5-7 is amended by adding Sections 42.0538 and 42.0583 to read as
 5-8 follows:

5-9 Sec. 42.0538. PROVISIONAL LICENSE FOR KINSHIP PROVIDER.

5-10 (a) The executive commissioner by rule shall allow a child-placing
 5-11 agency to issue a provisional license for a kinship provider, as
 5-12 defined by Section 264.851, Family Code, who meets the basic safety
 5-13 requirements provided by commission rule. A kinship provider
 5-14 issued a provisional license under this section shall complete all
 5-15 licensing requirements within the time provided by rule.

5-16 (b) The executive commissioner shall ensure that the
 5-17 implementation of this section does not reduce the amount of
 5-18 federal money available to this state.

5-19 Sec. 42.0583. IDENTIFYING AT-RISK PROVIDERS. The
 5-20 department shall use data analytics collected regarding
 5-21 residential child-care providers, including general residential
 5-22 operations providing treatment services to young adults with
 5-23 emotional disorders, to develop an early warning system to identify
 5-24 at-risk providers most in need of technical support and to promote
 5-25 corrective actions and minimize standard violations.

5-26 SECTION 12. Subchapter D, Chapter 42, Human Resources Code,
 5-27 is amended by adding Section 42.0711 to read as follows:

5-28 Sec. 42.0711. INSPECTION OF FACILITY ON PROBATION;
 5-29 PLACEMENT LIMITS. (a) The commission shall inspect each week a
 5-30 general residential operation that is placed on probation for
 5-31 continued violations of this chapter.

5-32 (b) The department or a single source continuum contractor
 5-33 may not place a child in a facility whose license the commission has
 5-34 placed on probation.

5-35 SECTION 13. Subchapter D, Chapter 42, Human Resources Code,
 5-36 is amended by adding Section 42.080 to read as follows:

5-37 Sec. 42.080. DISCIPLINARY ACTION PROHIBITED. The
 5-38 commission may not issue a citation to or take any other
 5-39 disciplinary action against a general residential operation or a
 5-40 child-placing agency for failing to employ a licensed child-care
 5-41 administrator or licensed child-placing administrator, as
 5-42 appropriate, if the operation or agency has:

5-43 (1) been without an administrator for less than 60
 5-44 days; and

5-45 (2) made substantial efforts to hire a qualified
 5-46 administrator.

5-47 SECTION 14. Subchapter H, Chapter 42, Human Resources Code,
 5-48 is amended by adding Sections 42.2541, 42.256, 42.257, 42.258,
 5-49 42.259, and 42.260 to read as follows:

5-50 Sec. 42.2541. IMPROVING EDUCATION SERVICES FOR CHILDREN.

5-51 (a) The department shall develop a strategic plan for improving the
 5-52 provision of educational services to children placed in a general
 5-53 residential operation.

5-54 (b) The department shall report to the Texas Education
 5-55 Agency the educational outcomes for children placed in a general
 5-56 residential operation.

5-57 (c) The department and the Texas Education Agency shall
 5-58 annually evaluate the educational outcomes for children placed in a
 5-59 general residential operation and adopt strategies and policies to
 5-60 improve the outcomes and standards.

5-61 Sec. 42.256. TREATMENT MODEL. (a) Each general
 5-62 residential operation providing treatment services shall, on
 5-63 issuance of an initial or renewal license under this chapter,
 5-64 submit to the commission information on the operation's treatment
 5-65 model. A general residential operation that contracts with the
 5-66 department to provide residential care for children in foster care
 5-67 shall submit information on the operation's treatment model to the
 5-68 department on execution and renewal of a contract.

5-69 (b) The operation shall annually assess the overall

6-1 effectiveness of the model adopted under this section.
6-2 (c) The treatment model must address all aspects related to
6-3 children's care, including children's therapeutic needs. The model
6-4 shall include:

6-5 (1) the manner in which treatment goals will be
6-6 individualized and identified for each child;

6-7 (2) the method the operation will use to measure the
6-8 effectiveness of each treatment goal for the child;

6-9 (3) the actions the operation will take if the
6-10 treatment goals are not met; and

6-11 (4) the method the operation will use to monitor and
6-12 evaluate the effectiveness of the treatment model.

6-13 (d) A general residential operation may change a treatment
6-14 model adopted under this section after notifying the commission of
6-15 the change and submitting the new treatment model to the
6-16 commission.

6-17 (e) The executive commissioner may adopt rules to implement
6-18 this section.

6-19 (f) The general residential operation shall adopt policies
6-20 and procedures to implement the treatment model.

6-21 Sec. 42.257. EVALUATION OF PLACEMENTS. (a) A general
6-22 residential operation that considers accepting a child's placement
6-23 with the operation shall evaluate the proposed placement on the
6-24 following criteria:

6-25 (1) whether the child meets the operation's admission
6-26 criteria;

6-27 (2) whether the child would benefit from the treatment
6-28 model implemented at the operation; and

6-29 (3) whether the operation has the staff and resources
6-30 to meet the child's needs considering the other children at the
6-31 operation and the other children's needs.

6-32 (b) A general residential operation shall ensure that the
6-33 evaluation under Subsection (a) does not delay the timely placement
6-34 of a child.

6-35 Sec. 42.258. LIMIT ON PLACEMENTS FOR NEW FACILITY. If the
6-36 department or a single source continuum contractor contracts with a
6-37 general residential operation providing treatment services to
6-38 place children with the operation before the operation is licensed,
6-39 the contract must limit the number of children that may be placed at
6-40 the operation each month and limit the number of children with a
6-41 service level of specialized, intense, or intense plus until the
6-42 operation exhibits sustained compliance with the licensing
6-43 standards.

6-44 Sec. 42.259. TRANSITION PLANS. A general residential
6-45 operation shall develop a transition plan for each child who has
6-46 been placed at the operation for longer than six months.

6-47 Sec. 42.260. TELEHEALTH PILOT PROGRAM. The commission in
6-48 coordination with the department and single source continuum
6-49 contractors shall establish guidelines in the STAR Health program
6-50 to improve the use of telehealth services to provide and enhance
6-51 mental health and behavioral health care for children placed in the
6-52 managing conservatorship of the state.

6-53 SECTION 15. Section 43.0081, Human Resources Code, is
6-54 amended to read as follows:

6-55 Sec. 43.0081. PROVISIONAL LICENSE. (a) The commission
6-56 [~~department~~] may issue a provisional child-care administrator's
6-57 license to:

6-58 (1) an applicant licensed in another state who applies
6-59 for a license in this state if the applicant [~~An applicant for a~~
6-60 ~~provisional license under this section must~~]:

6-61 (A) is [~~(1) be~~] licensed in good standing as a
6-62 child-care administrator for at least two years in another state,
6-63 the District of Columbia, a foreign country, or a territory of the
6-64 United States that has licensing requirements that are
6-65 substantially equivalent to the requirements of this chapter;

6-66 (B) has [~~(2) have~~] passed a national or other
6-67 examination recognized by the commission [~~department~~] that
6-68 demonstrates competence in the field of child-care administration;
6-69 and

7-1 (C) is ~~[(3) be]~~ sponsored by a person licensed by
7-2 the commission ~~[department]~~ under this chapter with whom the
7-3 provisional license holder may practice under this section; and

7-4 (2) an applicant who:
7-5 (A) otherwise qualifies for a license but does
7-6 not meet the experience requirement in Section 43.004(a)(4); and
7-7 (B) complies with any additional requirement
7-8 established by rule under Subsection (e).

7-9 (b) The commission ~~[department]~~ may waive the requirement
7-10 of Subsection (a)(1)(C) ~~[(a)(3)]~~ for an applicant if the commission
7-11 ~~[department]~~ determines that compliance with that paragraph
7-12 ~~[subsection]~~ constitutes a hardship to the applicant.

7-13 (c) A provisional license under Subsection (a)(1) is valid
7-14 until the date the commission ~~[department]~~ approves or denies the
7-15 provisional license holder's application for a license. The
7-16 commission ~~[department]~~ shall issue a license under this chapter to
7-17 the provisional license holder described by Subsection (a)(1) if:

7-18 (1) the provisional license holder passes the
7-19 examination required by Section 43.004;

7-20 (2) the commission ~~[department]~~ verifies that the
7-21 provisional license holder has the academic and experience
7-22 requirements for a license under this chapter; and

7-23 (3) the provisional license holder satisfies any other
7-24 license requirements under this chapter.

7-25 (d) For a provisional license holder described by
7-26 Subsection (a)(1), the commission shall ~~[The department must]~~
7-27 complete the processing of a provisional license holder's
7-28 application for a license not later than the 180th day after the
7-29 date the provisional license is issued. The commission
7-30 ~~[department]~~ may extend the 180-day limit if the results of the
7-31 license holder's examination have not been received by the
7-32 commission ~~[department]~~.

7-33 (e) The executive commissioner by rule may establish
7-34 additional requirements for the issuance of a provisional
7-35 child-care administrator's license under Subsection (a)(2)(A) as
7-36 the executive commissioner determines appropriate.

7-37 SECTION 16. Section 264.169, Family Code, and Section
7-38 40.0581(f), Human Resources Code, are repealed.

7-39 SECTION 17. (a) The Health and Human Services Commission,
7-40 in collaboration with the Department of Family and Protective
7-41 Services, shall review the Centers for Medicare and Medicaid
7-42 Services' Integrated Care for Kids (InCK) Model to determine
7-43 whether implementing the model could benefit children in this
7-44 state, including children enrolled in the STAR Health Medicaid
7-45 managed care program.

7-46 (b) Not later than December 1, 2022, the Health and Human
7-47 Services Commission shall report its findings to the governor and
7-48 legislature.

7-49 (c) This section expires September 1, 2023.

7-50 SECTION 18. Not later than December 1, 2022, the Department
7-51 of Family and Protective Services shall provide the legislature
7-52 with options for conducting:

7-53 (1) independent administrative reviews of department
7-54 investigations of licensed residential child-care facilities; and

7-55 (2) independent appeals of determinations from those
7-56 investigations.

7-57 SECTION 19. (a) The Department of Family and Protective
7-58 Services shall:

7-59 (1) study extending permanency care assistance
7-60 benefits to individuals who are not relatives of a foster child and
7-61 who do not have a longstanding and significant relationship with
7-62 the foster child before the child enters foster care; and

7-63 (2) assess the potential impact and favorable
7-64 permanency outcomes for children who might otherwise remain in
7-65 foster care for long periods or have managing conservatorship of
7-66 the child transferred without any benefits to the caregiver.

7-67 (b) Not later than December 31, 2022, the Department of
7-68 Family and Protective Services shall submit a report to the
7-69 legislature on the results of the study and assessment conducted

8-1 under this section and recommendations for further action based on
8-2 the study and assessment.

8-3 (c) This section expires September 1, 2023.

8-4 SECTION 20. Not later than January 1, 2025, the Department
8-5 of Family and Protective Services shall:

8-6 (1) transition the family-based safety services
8-7 program to evidenced-based programs under the Family First
8-8 Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123);

8-9 (2) develop an implementation plan for the transition
8-10 of services; and

8-11 (3) develop community referrals to existing
8-12 prevention and early intervention programs.

8-13 SECTION 21. The executive commissioner of the Health and
8-14 Human Services Commission shall adopt minimum standards related to
8-15 continuum-of-care operations, cottage home operations, and
8-16 specialized child-care homes as provided by Section 42.042, Human
8-17 Resources Code, as amended by Chapter 317 (H.B. 7), Acts of the 85th
8-18 Legislature, Regular Session, 2017, as soon as practicable after
8-19 the effective date of this Act but not later than January 1, 2024.

8-20 SECTION 22. (a) The Health and Human Services Commission
8-21 and the Department of Family and Protective Services shall jointly
8-22 evaluate the Consolidated Appropriations Act, 2021 (Pub. L.
8-23 116-260), to determine methods for maximizing this state's receipt
8-24 of federal funds to provide foster youth transition planning to
8-25 adulthood and additional services for foster youth and young adults
8-26 in extended foster care.

8-27 (b) This section takes effect immediately if this Act
8-28 receives a vote of two-thirds of all the members elected to each
8-29 house, as provided by Section 39, Article III, Texas Constitution.
8-30 If this Act does not receive the vote necessary for immediate
8-31 effect, this section takes effect September 1, 2021.

8-32 SECTION 23. (a) As soon as practicable after the effective
8-33 date of this Act but not later than October 15, 2021, the governor
8-34 shall appoint the director of the Office of Community-Based Care
8-35 Transition as required by Section 264.172, Family Code, as added by
8-36 this Act.

8-37 (b) As soon as practicable after the effective date of this
8-38 Act, the Department of Family and Protective Services shall
8-39 transfer all money, contracts, leases, property, and obligations
8-40 related to the powers and duties of the Office of Community-Based
8-41 Care Transition to that office.

8-42 SECTION 24. The Office of Community-Based Care Transition,
8-43 the Department of Family and Protective Services, and the Health
8-44 and Human Services Commission are required to implement this Act
8-45 only if the legislature appropriates money specifically for that
8-46 purpose. If the legislature does not appropriate money
8-47 specifically for that purpose, the Office of Community-Based Care
8-48 Transition, the Department of Family and Protective Services, and
8-49 the Health and Human Services Commission may, but are not required
8-50 to, implement this Act using other appropriations available for the
8-51 purpose.

8-52 SECTION 25. Except as otherwise provided by this Act, this
8-53 Act takes effect September 1, 2021.

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