

By: Zaffirini

S.B. No. 2104

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of peer services, including family
3 partner peer support services by family partners, and the provision
4 of those services under Medicaid.

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

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

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

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

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

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

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

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

1 (A) are 18 years of age or older but younger than
2 22 years of age; and

3 (B) request to receive those services; and

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

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

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

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

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

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

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

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

25 (A) are 18 years of age or older but younger than
26 22 years of age; and

27 (B) request to receive those services; and

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

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

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

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

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

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

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

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

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

25 (8) the designated family engagement specialist under
26 the Texas System of Care Framework implemented under Section
27 [531.251](#);

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

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

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

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

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

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

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

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

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

1 SECTION 3. Section 32.024, Human Resources Code, is amended
2 by adding Subsection (11) to read as follows:

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

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

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

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

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

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