

BILL ANALYSIS

Senate Research Center

H.B. 1734
By: Delisi (Moncrief)
Health & Human Services
5-15-97
Committee Report (Amended)

DIGEST

The Texas Performance Review found that despite a 1987 law requiring the Texas Department of Mental Health and Mental Retardation to enter into memoranda of understanding with other state agencies that contract with community mental health and mental retardation centers, widespread duplication of monitoring continues to be a problem. Specifically, there are duplicative financial auditing and performance monitoring. This bill will provide regulations regarding the monitoring of community mental health and mental retardation centers and local mental health and mental retardation authorities.

PURPOSE

As proposed, H.B. 1734 provides regulations regarding the monitoring of community mental health and mental retardation centers and local mental health and mental retardation authorities.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 533.035, Health and Safety Code, by amending Subsection (b) and adding Subsection (e), to authorize the Texas Department of Mental Health and Mental Retardation (MHMR) by a case-rate or capitated arrangement to disburse to a local mental health and mental retardation authority department federal and MHMR state funds to be spent in the local service area for certain services. Requires the Texas Board of Mental Health and Mental Retardation (board) to direct the commissioner of mental health and mental retardation to appoint a committee to develop a plan which makes certain recommendations. Sets forth regulations regarding the committee. Requires the board to submit the approved plan to the Senate Health and Human Services Committee and the House Public Health Committee by September 1, 1998.

SECTION 2. Amends Chapter 534A, Health and Safety Code, by adding Section 534.036, as follows:

Sec. 534.036. FINANCIAL AUDIT. Sets forth regulations regarding financial audits of community centers by MHMR.

SECTION 3. Amends Chapter 534A, Health and Safety Code, by adding 534.037, as follows:

Sec. 534.037. PROGRAM AUDIT. Sets forth regulations regarding program audits of the activities of a community center.

SECTION 4. Amends Section 534.060(b), Health and Safety Code, to require MHMR to review the program quality and program performance results of each local mental health or mental retardation authority in accordance with a risk assessment and evaluation system appropriate to contract requirements. Deletes a provision requiring the review to take place at least once each fiscal year.

SECTION 5. Repealers: Sections 534.034 and 534.054(b) and (d), Health and Safety Code

(Memorandum of Understanding on Program Reviews, and regulations for designated providers).

SECTION 6. (a) Effective date: September 1, 1997.

(b) Requires MHMR to prescribe and receive approval of the Health and Human Services Commission for procedures for audits under Sections 534.036 and 534.037, Health and Safety Code, as added by this Act, not later than January 1, 1998. Requires the Health and Human Services Commission to make a ruling on the procedures not later than 30 days after the date MHMR prescribed the procedures.

SECTION 7. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Strike Subsection (e) of SECTION 1 of this bill and substitute a new Subsections (e)-(h).