

BILL ANALYSIS

Senate Research Center
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S.B. 358
By: Madla
Health Services
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As Filed

DIGEST

Currently, the Texas Sunset Commission reports that the Texas Department of Mental Health and Mental Retardation (department) oversees and provides services to some of the state's most vulnerable citizens-- persons with mental illness and mental retardation. The department's mission is "to improve the quality and efficiency of public and private services and supports for Texans with mental illness and mental retardation so that they can increase their opportunities and abilities to lead lives of dignity and independence." During 1997, an estimated 2.8 million Texans were diagnosed with some form of mental illness and 530,000 with mental retardation; approximately 19,000 persons received services through campus-based facilities and 168,000 persons through community-based services. The department provides services through 22 campus-based facilities and 10 state-operated community services, and funds and oversees locally-operated community services through performance contracts with 38 community centers across the state. As a result of its review of the department, the Sunset Advisory Commission recommended continuation of the department and several statutory modifications.

PURPOSE

As proposed, S.B. 358 sets forth provisions concerning the continuation and functions of the Texas Department of Mental Health and Mental Retardation.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Mental Health and Mental Retardation in SECTIONS 7, 8, 9, and 14 (Section 533.0325, Chapter 533B, Health and Safety Code; Section 533.0345(a), Chapter 533B, Health and Safety Code; Section 533.0351(f), Chapter 533B, Health and Safety Code; and Section 461.0128(a), Chapter 461, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 532.002, Health and Safety Code, to provide that the Texas Department of Mental Health and Mental Retardation (department) is abolished and this chapter expires on September 1, 2007 unless continued as provided by Chapter 325, Government Code.

SECTION 2. Amends Section 532.0035, Chapter 532, Health and Safety Code, to add standard language developed by the Sunset Advisory Commission regarding board member training.

SECTION 3. Amends Sections 532.016(d) and (e), Health and Safety Code, to add standard language developed by the Sunset Advisory Commission regarding equal employment opportunity policies. Makes a conforming change.

SECTION 4. Amends Chapter 532, Health and Safety Code, by adding Section 532.0175, as follows:

Sec. 532.0175. BIENNIAL REPORT ON FACILITIES USE. Requires the Texas Board of Mental Health and Retardation (board) to develop a report containing recommendations and information regarding the most efficient long-term use of the department's campus-based facilities. Requires the report to include a summary of the plan. Requires the department to attach the report to its legislative appropriations request for each biennium and present the report to the governor's office; governor's budget office; lieutenant governor; speaker of the house of representatives; Legislative Budget Board; and Health and Human Services Commission.

SECTION 5. Amends Chapter 533A, Health and Safety Code, by adding Section 533.013, as follows:

Sec. 533.013. **DUPLICATION OF REHABILITATION SERVICES.** Requires the board to enter into an agreement with the Texas Rehabilitation Commission (commission) that defines the roles and responsibilities of the department and the commission regarding the agencies' shared populations. Requires the agreement to establish methods to prevent the duplication and fragmentation of employment services provided by the agencies.

SECTION 6. Amends Section 533.032, Human Resources Code, by adding Section 533.032, as follows:

Sec. 533.032. New heading: **LONG-RANGE PLANNING.** Requires the department to have a long-range plan covering at least six years that includes at least the provisions required by Sections 531.022 and 531.023, Government Code, and Chapter 2056, Government Code. Requires the board to adopt a long-range plan for state-operated institutions. Requires the department to solicit input from local community centers, community representatives, and other interested persons. Sets forth the required information to be included in the plan.

SECTION 7. Amends Chapter 533B, Health and Safety Code, by adding Section 533.0325, as follows:

Sec. 533.0325. **CONTINUUM OF SERVICES IN CAMPUS FACILITIES.** Requires the board to establish, by rule, criteria regarding the uses of the department's campus-based facilities to ensure that the facilities offer a full continuum of services.

SECTION 8. Amends Chapter 533B, Health and Safety Code, by adding Section 533.0345, as follows:

Sec. 533.0345. **STATE AGENCY SERVICES STANDARDS.** Requires the board to establish, by rule, criteria standards of care for mental health services provided by a state agency or a state agency's contractors. Requires the standards to be designed to ensure the quality of mental health services provided by a state agency or a state agency's contractors are consistent with those provided by the department. Requires the department to biennially review the standards established and determine whether each standard is necessary to ensure consistent quality of care.

SECTION 9. Amends Chapter 533B, Health and Safety Code, by adding Section 533.0351, as follows:

Sec. 533.0351. **LOCAL AUTHORITY ADVISORY COMMITTEE.** Defines "local authority." Requires the commissioner of mental health and mental retardation (commissioner) to establish a nine-member local authority advisory committee. Provides that the committee be composed of local authorities appointed by the commissioner. Requires the board to ensure equal representation, including different regions of this state; rural and urban counties; and multi-county local authorities. Sets forth the required duties of the advisory committee. Requires the department to provide the advisory committee with a written response to any recommendation the advisory committee makes to the department. Requires the department, by rule, to provide, in accordance with Section 2110.008, Government Code, that the committee is abolished on September 1, 2007, unless the board votes to continue the committee in existence.

SECTION 10. Amends Chapter 533B, Health and Safety Code, by adding Section 533.0356, as follows:

Sec. 533.0356. **LOCAL BEHAVIORAL HEALTH AUTHORITIES.** Defines "commission." Requires the department to integrate its local service delivery structure with the commission's local service delivery structure by creating local behavioral health authorities, as the board determines appropriate. Sets forth the duties of a local behavioral health authority.

SECTION 11. Amends Chapter 533B, Health and Safety Code, by adding Section 533.039, as follows:

Sec. 533.039. **CLIENT SERVICES OMBUDSMAN.** Requires the commissioner to employ an ombudsman who is responsible for assisting a person who has been denied service by the department, a program or facility, or a local mental health or mental retardation authority. Requires the ombudsman to explain information on department and local mental health or mental retardation authority services, facilities, programs, and the rules, procedures, and guidelines to the person denied services and to refer the person to the appropriate program, facility, or service of the department or any other entity, if any.

SECTION 12. Amends Section 534.007, Health and Safety Code, to add standard language developed

by the Sunset Advisory Commission regarding prohibited activities by former officers or employees and offenses.

SECTION 13. Amends Section 534.065(b), Health and Safety Code, to authorize the mental health or mental retardation authority to renew the contract only if the contract meets the criteria provided by Sections 2155.074 and 2155.144, Government Code. Deletes text concerning the renewal of the contract.

SECTION 14. Amends Section 461.0128, Chapter 461, Human Resources Code, to require the commission, by rule, to establish standards of care for substance abuse services provided by a state agency. Requires standards under Subsection (a) to be designed to ensure that the quality of substance abuse services provided by a state agency is consistent with that of the commission. Requires the commission to biennially review the standards established under this section to determine whether each standard is necessary to ensure consistent quality of care.

SECTION 15. Amends Chapter 461, Health and Safety Code, by adding Section 461.0129, as follows:

Sec. 461.029. LOCAL BEHAVIORAL HEALTH AUTHORITIES. Defines “department.” Requires the commission to integrate its local service delivery structure with the department through the creation of local behavioral health authorities. Sets forth the duties of a local behavioral health authority.

SECTION 16. Makes application of this Act prospective.

SECTION 17. Effective date: September 1, 1999.

SECTION 18. Emergency clause.