

BILL ANALYSIS

Senate Research Center
77R7355 KLA-D

H.B. 1478
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

The 76th Legislature established a work group to assist certain health and human services agencies in creating a system for family-based long-term care and health programs. With a time-limited Texas Family Support Initiative grant from the federal government, the work group was established and named the Children's Long-Term Care Policy Council. The work group's goal is to enable children who need long-term care and support to live with their families, and to develop the potential of these children as individuals and as integral members of the community. Several states have formed permanent family support councils to address policy issues affecting children who need or receive long-term health care and support. H.B. 1478 continues the work group as the Children's Policy Council and modifies the council's composition and duties.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.035, Human Resources Code, as follows:

Sec. 22.035. New heading: CHILDREN'S POLICY COUNCIL. (a) Adds language to change the name of the work group to the Children's Policy Council (council) and to add the Texas Department of Mental Health and Mental Retardation and the Department of Protective and Regulatory Services to the list of those entities the council is going to join in developing, implementing, and administering family support policies and related long-term care and health programs for children.

(b) Adds language to include certain people and groups on the list of members of the work group.

(c) Requires a majority of the members of the work group to be composed of relatives of consumers of long-term care and health programs for children.

(d) Prohibits certain persons from being appointed as a relative of a consumer of long-term health care and health programs for children.

(i) Adds language to prohibit other members of the work group from being reimbursed for travel or other expenses incurred while conducting the business of the work group. Adds language requiring reimbursement under this section to be paid equally out of funds appropriated to the Texas Department of Human Services and funds appropriated to the Texas Department of Health.

(j) Adds language to require the work group to study and make recommendations in the area of access of a child or a child's family to effective case management services,

including case management services with a single case manager, parent case managers, or independent case managers; the transition needs of children who reach an age at which they are no longer eligible for services at the Texas Department of Health, the Texas Education Agency, and other applicable state agencies; collaboration and coordination of children's services between the department, the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, and any other agency determined to be applicable by the work group; services and supports for families providing care for children with disabilities; effective permanency planning for children who reside in institutions or who are at risk of placement in an institution; barriers to enforcement of regulations regarding institutions that serve children with disabilities; and the provision of services under the medical assistance program to children younger than 23 years of age with disabilities or special health care needs under a waiver granted under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n(c)). Deletes language relating to the Comprehensive Settlement Agreement and Release filed in the case styled The State of Texas v. The American Tobacco Co., et. al., No. 5 96CV 91, in the United States District Court, Eastern District of Texas.

(k) Adds language to require the work group, not later than September 1 of each even-numbered year, to report on its findings and recommendations to the legislature and the commissioner of health and human services.

(l) Makes a conforming change.

SECTION 2. Requires the commissioner of health and human services to ensure that, not later than January 1, 2002, the composition of the membership of the Children's Policy Council complies with the requirements of Section 22.035, Human Resources Code, as amended by this Act.

SECTION 3. Effective date: September 1, 2001.