

## **BILL ANALYSIS**

Senate Research Center

S.B. 1021  
By: Nelson  
Health & Human Services  
5/26/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1021 adds a new section to 531.251, Government Code, to require the Health and Human Services Commission (HHSC) to evaluate and make recommendations to the Transition Legislative Oversight Committee as to whether each remaining statutory advisory committee that considers issues related to the health and human services system and is administratively attached to HHSC should be reestablished in rule, consolidated, and/or permanently discontinued.

S.B. 1021 also restores Section 531.251, Government Code, to correct a drafting error from S.B. 200, 84th Legislature, Regular Session, 2015, and re-create the Texas System of Care Consortium framework and functions in statute.

S.B. 1021 will continue streamlining the process for public input through advisory committees at HHSC. (Original Author's / Sponsor's Statement of Intent)

S.B. 1021 amends current law relating to reports on the consolidation and certain functions of the health and human services system, including advisory committees within the system, and the re-creation of the Texas system of care framework.

### **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 531.0051(c), Government Code, as follows:

(c) Provides that the Health and Human Services Commission (HHSC) executive council is composed of, among certain other individuals, the commissioner of the Department of Family and Protective Services (DFPS), regardless of whether that agency continues as a state agency separate from HHSC. Redesignates existing Subdivision (4) as Subdivision (5) and makes a nonsubstantive change.

SECTION 2. Amends Sections 531.02031(a) and (b), Government Code, as follows:

(a) Deletes existing text requiring the executive commissioner of HHSC (executive commissioner), not later than September 1, 2018, to conduct a study and submit a report and recommendation to the Health and Human Services Transition Legislative Oversight Committee (committee) regarding the need to continue DFPS and the Department of State Health Services (DSHS) as state agencies separate from HHSC. Requires the executive commissioner, not later than July 31, 2018, to conduct a study and submit a report and recommendations to the committee that include:

(1) a recommendation regarding the need to continue DFPS as a state agency separate from HHSC, unless a determination on the continuation is made before that date. Creates this subdivision from existing text;

- (2) a recommendation regarding the need to continue DSHS as a state agency separate from HHSC. Creates this subdivision from existing text.
- (3) an assessment of the quality and consistency of data sharing, communication, and coordination between DFPS and HHSC; and
- (4) an assessment of any known or potential conflicts of interest concerning licensing and regulation activities by DFPS or HHSC, including the process by which known conflicts of interest are mitigated or managed by those agencies.

(b) Deletes existing text requiring the committee, not later than December 1, 2018, to review the report and recommendation submitted under Subsection (a) and submit a report and recommendation to the legislature regarding the need to continue DFPS and DSHS as state agencies separate from HHSC. Requires the committee, not later than December 1, 2018, to review the report and recommendations submitted under Subsection (a) and submit a report and recommendations to the legislature that include:

- (1) a recommendation regarding the need to continue DFPS as a state agency separate from HHSC, unless a determination on the continuation is made before that date. Creates this subdivision from existing text;
- (2) a recommendation regarding the need to continue DSHS as a state agency separate from HHSC. Creates this subdivision from existing text; and
- (3) an assessment of and any necessary recommendations concerning data sharing, communication, and coordination between DFPS and HHSC.

SECTION 3. Reenacts Section 531.251, Government Code, as follows:

Sec. 531.251. TEXAS SYSTEM CARE FRAMEWORK. (a) Defines "minor," "serious emotional disturbance," and "system of care framework."

(b) Requires HHSC to implement a system of care framework to develop local mental health systems of care in communities for minors who are receiving residential mental health services and supports or inpatient mental health hospitalization, have or are at risk of developing a serious emotional disturbance, or are at risk of being removed from the minor's home and placed in a more restrictive environment to receive mental health services and supports, including an inpatient mental health hospital, a residential treatment facility, or a facility or program operated by DFPS or an agency that is part of the juvenile justice system.

(c) Requires HHSC to:

- (1) maintain a comprehensive plan for the delivery of mental health services and supports to a minor and a minor's family using a system of care framework, including certain best practices;
- (2) enter memoranda of understanding with DSHS, DFPS, the Texas Education Agency, the Texas Juvenile Justice Department, and the Texas Correctional Office on Offenders with Medical or Mental Impairments that specify the roles and responsibilities of each agency in implementing the comprehensive plan described by Subdivision (1);
- (3) identify appropriate local, state, and federal funding sources to finance infrastructure and mental health services and supports needed to support state and local system of care framework efforts;
- (4) develop an evaluation system to measure cross-system performance and outcomes of state and local system of care framework efforts; and

(5) in implementing the provisions of this section, consult with stakeholders, including minors who have or are at risk of developing a serious emotional disturbance or young adults who received mental health services and supports as a minor with or at risk of developing a serious emotional disturbance, and family members of those minors or young adults.

SECTION 4. Requires the executive commissioner, not later than July 31, 2018, to submit to the committee the report required by Section 531.02031(a), Government Code, as amended by this Act. Requires that the report also include:

(1) the latest information available on HHSC's progress in transferring and consolidating the administrative support services functions of the health and human services system as mandated by Subchapter A-1 (Consolidation of Health and Human Services System), Chapter 531 (Health and Human Services Commission), Government Code; and

(2) recommendations on whether to abolish each statutory advisory committee that considers issues related to the health and human services system, and, for an advisory committee for which abolishment is recommended, whether to reestablish the advisory committee by rule, consolidate the advisory committee with another advisory committee, or permanently discontinue the advisory committee in any form.

SECTION 5. Effective date: upon passage or September 1, 2017.