

Chapter 312

S.B. No. 1021

1 AN ACT

2 relating to reports on the consolidation and certain functions of  
3 the health and human services system, including advisory committees  
4 within the system, and the re-creation of the Texas system of care  
5 framework.

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

7 SECTION 1. Section 531.0051(c), Government Code, is amended  
8 to read as follows:

9 (c) The council is composed of:

- 10 (1) the executive commissioner;
- 11 (2) the director of each division established by the  
12 executive commissioner under Section 531.008(c);
- 13 (3) the commissioner of a health and human services  
14 agency; [~~and~~]
- 15 (4) the commissioner of the Department of Family and  
16 Protective Services, regardless of whether that agency continues as  
17 a state agency separate from the commission; and
- 18 (5) other individuals appointed by the executive  
19 commissioner as the executive commissioner determines necessary.

20 SECTION 2. Sections 531.02031(a) and (b), Government Code,  
21 are amended to read as follows:

22 (a) Not later than July 31 [~~September 1~~], 2018, the  
23 executive commissioner shall conduct a study and submit a report  
24 and recommendations [~~recommendation~~] to the Health and Human

1 Services Transition Legislative Oversight Committee that include:

2 (1) a recommendation regarding the need to continue  
3 the Department of Family and Protective Services as a state agency  
4 separate from the commission, unless a determination on the  
5 continuation is made before that date;

6 (2) a recommendation regarding the need to continue  
7 [and] the Department of State Health Services as a state agency  
8 [agencies] separate from the commission;

9 (3) an assessment of the quality and consistency of  
10 data sharing, communication, and coordination between the  
11 Department of Family and Protective Services and the commission;  
12 and

13 (4) an assessment of any known or potential conflicts  
14 of interest concerning licensing and regulation activities by the  
15 Department of Family and Protective Services or the commission,  
16 including the process by which known conflicts of interest are  
17 mitigated or managed by those agencies.

18 (b) Not later than December 1, 2018, the Health and Human  
19 Services Transition Legislative Oversight Committee shall review  
20 the report and recommendations [~~recommendation~~] submitted under  
21 Subsection (a) and submit a report and recommendations  
22 [~~recommendation~~] to the legislature that include:

23 (1) a recommendation regarding the need to continue  
24 the Department of Family and Protective Services as a state agency  
25 separate from the commission, unless a determination on the  
26 continuation is made before that date;

27 (2) a recommendation regarding the need to continue

1 [~~and~~] the Department of State Health Services as a state agency  
2 [~~agencies~~] separate from the commission; and

3 (3) an assessment of and any necessary recommendations  
4 concerning data sharing, communication, and coordination between  
5 the Department of Family and Protective Services and the  
6 commission.

7 SECTION 3. Section 531.251, Government Code, is reenacted  
8 to read as follows:

9 Sec. 531.251. TEXAS SYSTEM OF CARE FRAMEWORK. (a) In this  
10 section:

11 (1) "Minor" means an individual younger than 18 years  
12 of age.

13 (2) "Serious emotional disturbance" means a mental,  
14 behavioral, or emotional disorder of sufficient duration to result  
15 in functional impairment that substantially interferes with or  
16 limits a person's role or ability to function in family, school, or  
17 community activities.

18 (3) "System of care framework" means a framework for  
19 collaboration among state agencies, minors who have a serious  
20 emotional disturbance or are at risk of developing a serious  
21 emotional disturbance, and the families of those minors that  
22 improves access to services and delivers effective community-based  
23 services that are family-driven, youth- or young adult-guided, and  
24 culturally and linguistically competent.

25 (b) The commission shall implement a system of care  
26 framework to develop local mental health systems of care in  
27 communities for minors who are receiving residential mental health

1 services and supports or inpatient mental health hospitalization,  
2 have or are at risk of developing a serious emotional disturbance,  
3 or are at risk of being removed from the minor's home and placed in a  
4 more restrictive environment to receive mental health services and  
5 supports, including an inpatient mental health hospital, a  
6 residential treatment facility, or a facility or program operated  
7 by the Department of Family and Protective Services or an agency  
8 that is part of the juvenile justice system.

9 (c) The commission shall:

10 (1) maintain a comprehensive plan for the delivery of  
11 mental health services and supports to a minor and a minor's family  
12 using a system of care framework, including best practices in the  
13 financing, administration, governance, and delivery of those  
14 services;

15 (2) enter memoranda of understanding with the  
16 Department of State Health Services, the Department of Family and  
17 Protective Services, the Texas Education Agency, the Texas Juvenile  
18 Justice Department, and the Texas Correctional Office on Offenders  
19 with Medical or Mental Impairments that specify the roles and  
20 responsibilities of each agency in implementing the comprehensive  
21 plan described by Subdivision (1);

22 (3) identify appropriate local, state, and federal  
23 funding sources to finance infrastructure and mental health  
24 services and supports needed to support state and local system of  
25 care framework efforts;

26 (4) develop an evaluation system to measure  
27 cross-system performance and outcomes of state and local system of

1 care framework efforts; and

2 (5) in implementing the provisions of this section,  
3 consult with stakeholders, including:

4 (A) minors who have or are at risk of developing a  
5 serious emotional disturbance or young adults who received mental  
6 health services and supports as a minor with or at risk of  
7 developing a serious emotional disturbance; and

8 (B) family members of those minors or young  
9 adults.

10 SECTION 4. Not later than July 31, 2018, the executive  
11 commissioner of the Health and Human Services Commission shall  
12 submit to the Health and Human Services Transition Legislative  
13 Oversight Committee the report required by Section 531.02031(a),  
14 Government Code, as amended by this Act. The report must also  
15 include:

16 (1) the latest information available on the  
17 commission's progress in transferring and consolidating the  
18 administrative support services functions of the health and human  
19 services system as mandated by Subchapter A-1, Chapter 531,  
20 Government Code; and

21 (2) recommendations on:

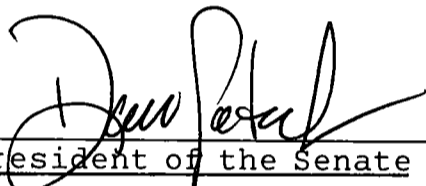
22 (A) whether to abolish each statutory advisory  
23 committee that considers issues related to the health and human  
24 services system; and

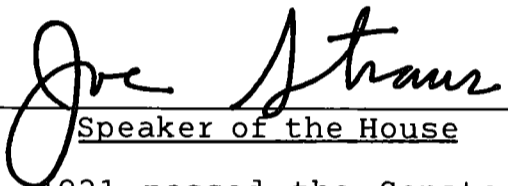
25 (B) for an advisory committee for which  
26 abolishment is recommended, whether to reestablish the advisory  
27 committee by rule, consolidate the advisory committee with another

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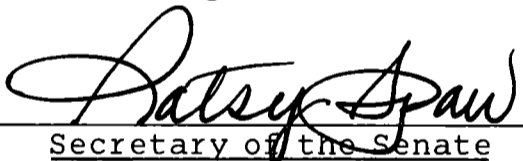
1 advisory committee, or permanently discontinue the advisory  
2 committee in any form.

3 SECTION 5. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2017.\_\_\_\_\_

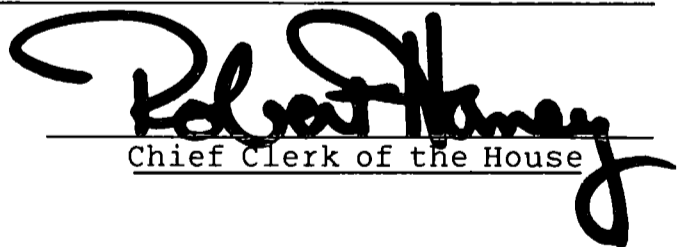
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1021 passed the Senate on  
May 3, 2017, by the following vote: Yeas 31, Nays 0.\_\_\_\_\_

  
\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1021 passed the House on  
May 21, 2017, by the following vote: Yeas 141, Nays 0, one  
present not voting.\_\_\_\_\_

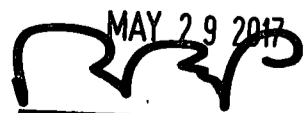
  
\_\_\_\_\_  
Chief Clerk of the House

Approved:

5-29-2017  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:00 PM O'CLOCK

  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 27, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB1021** by Nelson (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.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Health and Human Services Commission (HHSC) to report on data sharing, communication, and coordination between the Department of Family and Protective Services and HHSC to the Transition Legislative Oversight Committee and known or potential conflicts of interest with the licensing and regulatory activities of each agency. The bill would also amend Section 531.251, Government Code, to re-create the Texas System of Care Consortium framework and functions. The bill would require HHSC to maintain a plan for the delivery of mental health services and supports to a minor and minor's family using a system of care framework, and enter into memoranda of understanding with several other state agencies to specify the roles and responsibilities of each agency in implementing that plan. The bill would also require HHSC to submit a progress report on the transfer and consolidation of administrative support services functions of the health and human services system pursuant to Subchapter A-1, Chapter 531, Government Code, and to develop and report on recommendations relating to the abolishment or continuation of each health and human services related statutory advisory committee.

The bill would take effect immediately upon receiving a two-thirds majority vote of both houses. Otherwise, the bill would take effect September 1, 2017. The Health and Human Services Commission, Department of Family and Protective Services, and the Texas Education Agency indicate that any costs associated with the bill could be absorbed within the agency's existing resources. Based on the LBB's analysis of the Department of Criminal Justice and the Juvenile Justice Department, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 644

Juvenile Justice Department, 696 Department of Criminal Justice, 701  
Texas Education Agency

**LBB Staff:** UP, KCA, EP, MDI, JPo, PM



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 17, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB1021** by Nelson (Relating to a report on the consolidation of the health and human services system, including advisory committees within the system, and the re-creation of the Texas system of care framework.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 531.251, Government Code, to re-create the Texas System of Care Consortium framework and functions. The bill would require the Health and Human Services Commission (HHSC) to maintain a plan for the delivery of mental health services and supports to a minor and minor's family using a system of care framework, and enter into memoranda of understanding with several other state agencies to specify the roles and responsibilities of each agency in implementing that plan. The bill would also require the Health and Human Services Commission to develop and submit a progress report on the transfer and consolidation of administrative support services functions of the health and human services system pursuant to Subchapter A-1, Chapter 531, Government Code, and to develop and report on recommendations relating to the abolishment or continuation of each health and human services related statutory advisory committee.

The bill would take effect immediately upon receiving a two-thirds majority vote of both houses. Otherwise, the bill would take effect September 1, 2017. The Health and Human Services Commission, Department of Family and Protective Services, and the Texas Education Agency indicate that any costs associated with the bill could be absorbed within the agency's existing resources. Based on the LBB's analysis of the Department of Criminal Justice and the Juvenile Justice Department, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

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**Source Agencies:** 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice, 701 Texas Education Agency

**LBB Staff:** UP, KCA, EP, MDI, JPo, PM