



Hogg Foundation
for Mental Health

**Summary of Legislation Relating to Sunset Commission Recommendations
84th Legislature**

Bill Number and Caption	Selected Bill Provisions <i>(This summary does not include every provision in each of the bills. Please refer to the bill language for additional information.)</i>
<p>SB 200 (Nelson/Price) HHSC Relating to the continuation and functions for the Health and Human Services Commission and the provision of health and human services in this state.</p> <p>Passed; signed by the governor.</p>	<ul style="list-style-type: none"> • Consolidates/reorganizes the health and human services system. • DARS and DADS as well as client services at DSHS, including mental health and substance use services, will transition to HHSC. • Existing agency councils and the Texas Council on Autism will be abolished. • DFPS and the public health functions of DSHS will not be transferred to HHSC at this time. • Creates a legislative oversight committee to facilitate the organizational transfers. • Requires a study on the continuing need for DFPS and DSHS. • Directs the executive commissioner to develop a transition plan. • Requires public hearings and stakeholder input prior to finalization of the plan. Plan must be submitted to the legislative oversight committee. • Appointments to the legislative oversight committee must be made by October 1, 2015 by the Lt. governor and the speaker of the house. • Creates the Health and Human Services Commission Executive Council composed of executive commissioner, division directors, HHS agency commissioners, and others as appointed by the executive commissioner. • Directs the development of a centralized HHS system of administrative support services. • Identifies appointment and qualification requirements, as well as duties of division directors. • Establishes the Office of Policy and Performance at HHSC to develop a performance management system, provide oversight for implementation of major policy changes, provides program evaluation and process improvement expertise across the HHS system. • Requires the prevention and early intervention services delivered by DFPS be organizationally separate from the child/adult protective services divisions. • Transfers the nurse/family partnership program to DFPS. • Directs that DSHS perform only functions related to public health including health care data collection and maintenance of the Texas Health Care Information Collection program. • Directs that the commission assumes the duties and functions of the Office for the Prevention of Developmental Disabilities. • Directs that the commission assumes the duties and function of the Texas Council on Autism and Pervasive Developmental Disorders.



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	<ul style="list-style-type: none">• Abolishes existing HHS advisory committees, task forces, advisory councils, and workgroups.• Requires the commission to establish a process to standardize and coordinate HHS system internet websites.• Provides for additional ombudsman authority and responsibility.• Requires review and coordination of all HHS system hotline and call center activities.• Requires the appointment of a dental director.• Streamlines Medicaid provider enrollment and credentialing processes. Allows the commission to contract with a third part to develop the required single enrollment and credentialing process for Medicaid providers.• Requires a regular review of Medicaid data collected to determine its continued usefulness and identify any additional data collection needed.• Establishes a Women’s Health Advisory Committee.• Reforms the Office of the Inspector General.• Requires the monitoring of compliance with behavioral health services integration. The commission must ensure that managed care organizations fully integrate behavioral health services into a recipient’s primary care coordination, use performance audits and other oversight tools to improve monitoring of the provision and coordination of behavioral health services, and give particular attention to managed care organizations that provide behavioral health services through a contract with a third party.• Directs the commissioner to implement a statewide effort to assist Medicaid recipients to maintain their eligibility in the managed care system and avoid lapses of coverage.• Directs the commission to develop a pilot program to increase incentive-based provider payments.• Requires the commission to conduct a study to determine the feasibility, costs, and benefits of transferring operation of the Austin State Hospital from the hospital’s current facilities to a new facility at a new location.• Directs the executive commissioner to establish and maintain new advisory committees. Issue areas that must be included: Medicaid and other social services programs, managed care under Medicaid and CHIP, health quality initiatives, aging, persons with disabilities, rehabilitation for persons with brain injuries, children, public health, behavioral health, regulatory matters, protective services, and prevention.• Abolishes the Public Assistance Health Benefit Review and Design Committee. Expands duties and responsibilities of the Drug Utilization Review Board.
<p>SB 202 (Nelson/Price) DSHS Relating to the transfer of certain occupational</p>	<ul style="list-style-type: none">• The enrolled version of this bill focused on DSHS’ broad mission to improve the health and well-being of Texans. This legislation contains statutory modifications based on the Sunset Commission’s recommendations to reduce the agency’s role in occupational licensing and certain other regulatory functions to allow the agency to focus on its core public health mission. The bill transfer occupational licensing functions to other agencies.



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<p>regulatory programs and the deregulation of certain activities and occupations.</p> <p>Passed; signed by the governor.</p>	
<p>SB 204 (Hinojosa/Raymond) DADS Relating to the continuation of the functions of the Department of Aging and Disability Services.</p>	<p><i>Failed to pass.</i></p> <ul style="list-style-type: none"> • The bill included provisions to: develop progressive sanctions for providers of long term services and supports; develop crisis intervention teams to support persons with intellectual and other developmental disabilities; created a state-supported living center restructuring commission; required the closing of the Austin State Supported Living Center; required additional abuse/neglect reporting for day habilitation facilities; established a day habilitation advisory council; transferred DADS functions to HHSC.
<p>SB 206 (Schwertner/Burkett) DFPS Relating to the continuation and functions of the Department of Family and Protective Services and procedures applicable to suits affecting the parent-child relationship, investigations of child abuse and neglect, and conservatorship of a child; affecting fee amounts and authorizing an administrative penalty.</p> <p>Passed; signed by the governor</p>	<ul style="list-style-type: none"> • Improves continuity in school placement of students in conservatorship. • Requires interagency sharing of juvenile probation records for children in DFPS conservatorship. • While allowing prospective adoptive parents to examine the records and other information relating to the history of the child, also allows DFPS to “modify the forms and contents of the health, social, educational and genetic history report for a child as the department determines appropriate...” • Allows foster parents to home-school children in managing conservatorship of DFPS (with exceptions). • Changes information required to be included in a child’s permanency progress report. • Strengthens department requirements relating to permanency progress reports and permanency hearings. • Strengthens department reporting requirements and requires reports be made available electronically to the public. Includes reporting “the number of children who suffer from a severe emotional disturbance and for whom the department is appointed managing conservator, including statistics on appointments as joint managing conservator, due to an individual voluntarily relinquishing custody of a child solely to obtain mental health services for the child.” • Strengthens department’s notification requirements to parents, attorney ad litem, volunteer court-appointed advocates and administrators of child placing agencies. • Directs the department to develop and maintain a plan for implementing the foster care redesign. • Directs the department to develop and implement a five-year strategic plan for prevention and early intervention services.



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	<ul style="list-style-type: none">• Permits the executive commissioner to adopt rules regarding the purpose, structure, and use of advisory committees by the department.• Requires the department to develop and implement an annual business plan for the child protective services program to prioritize the department’s activities and resources to improve the program. Goals to be considered in the annual business plan include: reducing caseloads, enhancing accountability, improving the quality of investigations, eliminating delays, and ensuring the most efficient and effective use of child protective services staff and resources.
<p>SB 208 (Campbell/Burkett) TWC Relating to the continuation and functions of the Texas Workforce Commission</p> <p>Passed; signed by the governor</p>	<ul style="list-style-type: none">• Identifies the Texas Workforce Commission (TWC) as having primary responsibility for providing vocational rehabilitation services and other services and programs included in Subtitle C, Title 4, of the Labor Code, subject to receipt of any required federal approval to administer those services and programs.• Directs that other state agencies engaged in vocational rehab services or related services coordinate those activities with TWC.• Powers and duties formerly assigned to the Human Rights Commission are transferred to TWC.• DARS is directed to continue administering the services and programs until September 1, 2016. As of that date, the department is directed to cease administering the services and TWC takes over.• Services included in this transfer are: vocational rehabilitation program for individuals with vision impairments, vocational rehabilitation program for individuals with other disabilities, independent living services program for older individuals who are blind, the Criss Cole Rehabilitation Center, and the program for vending facilities operated by persons with vision impairments.• Directs TWC to establish a designated state unit within the commission responsible for these services and programs.• Requires that the Rehabilitation Council of Texas report to and advise TWC. TWC will adopt rules for the administration of the council.• Requires that TWC reorganize vocational rehab services by October 1, 2017 to be based on an individual’s functional needs instead of type of disability.• Directs TWC to develop a plan to support specialization of vocational rehab counselors in serving different client populations, including sufficient specialization in serving individuals with visual impairments.• Establishes a legislative oversight committee to facilitate the transfer of vocational rehabilitation services and other services and programs transferring to TWC.• Requires the development of a transition plan by the executive director (TWC), the commissioner of assistive and rehabilitative services (DARS), and the executive commissioner (HHSC).• Requires the transition plan to be submitted no later than March 1, 2016.



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<p>HB 2463 (Raymond/Campbell) DARS Relating to the continuation of the functions of the Department of Assistive and Rehabilitative Services and certain other functions.</p> <p>Passed; signed by the governor.</p>	<ul style="list-style-type: none">• Directs the department to integrate the Independent Living Program for individuals with vision impairments with the Independent Living Services Program for individuals with significant disabilities.• Requires the department to operate a comprehensive rehabilitation services program to provide such services to persons with traumatic brain or spinal cord injuries.• Directs the department to use program data and best practices to establish and maintain guidelines that provide direction for caseworkers' decisions in all of the department's direct services programs.• Directs the department to establish and maintain a single, uniform case review system for all direct services programs.• Transfers all functions of the department and council, including administrative support services functions, to the commission. Clarifies that if other legislation is enacted that provides for the transfer of certain department functions to an entity other than the commission, the functions transfer as provided by that legislation.
<p>SB 1507 (Garcia/Naishtat) DSHS Relating to statewide coordination and oversight of forensic mental health services overseen by the Department of State Health Services, including the appointment of a forensic director.</p> <p>Passed; signed by the governor.</p>	<p>Note: This bill was not originally intended to be a Sunset bill; however, certain provisions in the Sunset recommendations were added to this bill when removed from SB 202.</p> <ul style="list-style-type: none">• Directs the commissioner to appoint a forensic director with proven expertise in the social, health, and legal systems for forensic patients and in the intersection of those systems.• Directs the commissioner to establish a work group of experts and stakeholders to make recommendations concerning the creation of a comprehensive plan for the effective coordination of forensic services.• Requires the commission (with input from LMHAs, stakeholders, and the forensic director) to divide the state into regions for the purpose of allocating to each region state-funded beds in the state hospitals and other inpatient mental health facilities for patients who are: voluntarily admitted, ordered by a court to receive inpatient treatment or services, committed to an inpatient setting to attain competency restoration to stand trial, or admitted to a state hospital or other inpatient facility to receive mental health services following an acquittal by reason of insanity.• Directs the department to develop and maintain a training curriculum for judges and attorneys that provides information on inpatient and outpatient treatment alternatives to inpatient commitment to a state hospital for any patient whom a court is ordering to receive mental health services.• Establishes the directive that the department may contract only with local mental health authorities and local behavioral health authorities to administer outreach, screening, assessment, and referral functions relating to the provision of substance abuse services. Allows the local authorities to subcontract with other providers to provide those services.



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	<ul style="list-style-type: none"> Requires that each local mental health authority and local behavioral health authority operates a toll-free telephone hotline that enables a person to call a single hotline number to obtain information about both mental health and substance abuse services.
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Important Dates	
October 1, 2015	<ul style="list-style-type: none"> Appointment of legislative oversight committee Establishment of the Office of Policy and Performance
March 1, 2016	<ul style="list-style-type: none"> HHS transition plan is due
September 1, 2016	<ul style="list-style-type: none"> Client services transfer to the consolidated HHSC Administrative services transfer to the consolidated HHSC Prevention and early intervention programs transfer to DFPS DARS programs transfer to the Texas Workforce Commission HHS agency councils are abolished; the executive council is established
September 1, 2017	<ul style="list-style-type: none"> State hospitals and state supported living centers transfer to HHSC Regulatory functions transfer to HHSC Remaining administrative functions transfer to HHSC
October 1, 2017	<ul style="list-style-type: none"> Integrates vocational rehabilitation programs at TWC
September 1, 2018	<ul style="list-style-type: none"> DFPS and DSHS study due
September 1, 2023	<ul style="list-style-type: none"> Special purpose sunset review for HHSC Full sunset review for DFPS and DSHS