

BILL ANALYSIS

Senate Research Center
81R1688 UM-D

H.B. 1232
By: Menendez (Van de Putte)
Health & Human Services
5/4/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law states that collaboration is permitted but not required by the state agencies which oversee local treatment agencies. Information sharing is restricted by each agency's interpretation of privacy statutes. Parents are not engaged to offer treatment alternatives in lieu of more restrictive detention and expulsion alternatives. Currently there are barriers to sharing information and resources in order to provide coordinated and collaborative health care for children and youth.

The purpose of this bill is to establish a local behavioral health pilot project that will provide diversion to a system of care including a behavioral health treatment placement for children and youth in Bexar County who are at risk of placement in an alternative setting for behavior management.

The proposed bill requires the local mental health authority for Bexar County – The Center for Health Care Services (center) – to enter into a memoranda of understanding with a number of state agencies serving children and adolescents for the purpose of coordinating behavioral health services for children of Bexar County. At the current time, children are diverted from placement in alternative settings and are served by many separate local agencies in Bexar County, which results in duplication of assessments, treatment modalities, and case management. There is also currently a lack of coordination and collaboration amongst agencies in regards to continuity of care, collaboration on design and implementation and treatment interventions. This bill would require extensive information sharing among state entities and contracted providers. This pilot presents the center and local child serving agency partners with an opportunity to flexibly intervene for the benefit of children and youth who need behavioral health treatment rather than expulsion, restricted settings, detention and incarceration and will also result in cost savings for the community and improvement in the lives of youth and families.

H.B. 1232 relates to the establishment of a local behavioral health intervention pilot project.

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. (a) Requires the Department of State Health Services (DSHS) to establish a local behavioral health intervention pilot project for children in Bexar County.

(b) Requires DSHS, in implementing the pilot project, to require a local mental health authority serving Bexar County to:

(1) enter into a memorandum of understanding or other agreement with state and local agencies that work directly with children, including the DSHS, the Department of Family and Protective Services (DFPS), the Texas Youth Commission (TYC), and the Texas Education Agency (TEA), to permit collaboration in the provision of uniform early intervention behavioral health services to children; identify children, with written consent from parents or guardians, who are at risk of placement in an alternative setting for behavior management, in accordance with behavioral standards established by TEA and

local school district policy, or intervention by the juvenile justice or child protective services systems; and with written consent from parents or guardians, divert children identified under this subsection to a system of care services to reduce gaps or inefficiencies in the provision of care;

(2) develop, in collaboration with the state and local agencies, a best practices plan regarding informed consent and confidentiality practices; uniform behavioral health screening for children; uniform referral processes between systems and agencies related to behavioral health services; the delivery of early intervention and treatment services; and an information exchange process between agencies to facilitate faster identification and assessment of behavioral health problems and integrate service delivery;

(3) identify outcome measures that may be used to measure the efficiency of coordination; and

(4) ensure that an extensive listing of providers is available for children and their families, including information regarding the services offered and the behavioral health issues addressed by the provider.

(c) Authorizes a local mental health authority serving Bexar County, DSHS, DFPS, TYC, TEA, and local school districts, in order to facilitate the pilot project and identify children in accordance with Subsection (b)(1)(B), with the consent of the child's parents or guardians, to disclose information relating to a child, including information concerning the child's identity, needs, treatment, social, criminal, and educational history, probation or supervision status and compliance with the conditions of the child's probation or supervision, and medical or mental health history, if the disclosure serves a purpose of the pilot project; accept information relating to a child that serves a purpose of the pilot project, regardless of whether other state law makes that information confidential; and before sharing information under this section, enter into a memorandum of understanding with another local or state governmental entity to specify the types of information authorized to be exchanged among agencies under this section without violating any applicable provisions of federal law, including any federal funding requirements, and the protocols for information sharing, including methods for ensuring the continued protection of confidential information by the recipient of the information.

(d) Provides that this section does not affect the confidential status of the information being shared.

(e) Authorizes DSHS to use funds for crisis prevention programs in collaboration with funds from local authorities, including school districts and criminal justice agencies, to implement the pilot project.

(f) Requires the local mental health authority involved in the pilot project, not later than December 1, 2010, to submit a report to DSHS regarding the local behavioral health intervention pilot project, including a comprehensive analysis of the efficacy of the project and the local authority's findings and recommendations.

(g) Provides that this section expires September 1, 2011.

SECTION 2. Effective date: September 1, 2009.