

BILL ANALYSIS

Senate Research Center
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H.B. 2303
By: Truitt et al. (Uresti)
Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Prior to the reorganization of Texas health and human service agencies, a community mental health/mental retardation center's (community MH/MR center) plan was approved by the Texas Department of Mental Health and Mental Retardation (TDMHMR), and community MH/MR center plans included all functions performed by a community MH/MR center regardless of whether it was under the direct purview of MHMR. Community MH/MR centers historically contract with, receive funding from, and perform functions for a multitude of local, state, and federal agencies to meet statutory requirements and provide a continuum of care to local residents.

As a result of the health and human service agencies reorganization, entities involved in the local management and delivery of community-based services for people with disabilities, such as community MH/MR centers, are required to improve coordination and access to services across a broad array of disabilities, including developmental disabilities. Currently, the Department of State Health Services and the Department of Aging and Disability Services are both involved in the review and approval process for local community MH/MR center plans. Each agency has authority only over the specific services and populations that fall within the purview of that agency. As a result of this change at the state level, the approval process for community MH/MR center plans is now conducted by each agency with a more narrow focus on the priority populations and services of the individual state agency. As statutorily required, however, community MH/MR centers continue to coordinate and develop other resources and services beyond the scope of the priority populations and state funded services. This results in a lengthy bureaucratic process and lost funding opportunities.

This bill clarifies legislative intent and authorizes a community MH/MR center to provide health and human services and support through contracts with local, state, and federal agencies, in addition to operating for the purposes and to perform the functions defined in the center's plan. The bill would also authorize a community MH/MR center to provide services to persons with developmental disabilities.

H.B. 2303 amends current law relating to the scope of services of and the persons who may be provided services by a community center.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Mental Health and Mental Retardation is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 531.002, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 531.002, Health and Safety Code, by adding Subdivision (13-a), to define "person with a developmental disability."

SECTION 2. Amends Section 534.001(e), Health and Safety Code, as follows:

(e) Authorizes a community mental health/mental retardation center (community center) operating under this subchapter, except as provided by this section, to operate only for the purposes and perform only the functions defined in the center's plan. Requires the executive commissioner of the Health and Human Services Commission, rather than the

Texas Board of Mental Health and Mental Retardation, by rule to specify the elements that are required to be included in the plan and to prescribe the procedure for submitting, approving, and modifying a community center's plan. Authorizes the community center, in addition to the services described in a community center's plan, to provide other health and human services and supports as provided by a contract with or a grant received from a local, state, or federal agency.

SECTION 3. Amends Section 534.0015(b), Health and Safety Code, to provide that it is the policy of this state that community centers strive to develop services for persons who are mentally ill or mentally retarded, and are authorized to provide requested services to persons with developmental disabilities or with chemical dependencies, rather than with a chemical dependency, that are effective alternatives to treatment in a large residential facility.

SECTION 4. Amends Section 534.0155(a), Health and Safety Code, to provide that this subtitle does not prevent a community center from providing services to a person with a chemical dependency, to a person with a developmental disability, or to a person with a mental disability, as defined by Section 535.001, rather than to a person with chemical dependency or to a person with a mental disability, as that term is defined by Section 535.001.

SECTION 5. Effective date: upon passage or September 1, 2009.