

1-1 By: Schwertner S.B. No. 910
 1-2 (In the Senate - Filed March 2, 2021; March 11, 2021, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 19, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 19, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 910 By: Powell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to implementation options for community-based family
 1-22 preservation services and the provision of certain other health and
 1-23 human services by certain state agency contractors and to the
 1-24 repeal of a prior pilot program for family-based safety services.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter B-1, Chapter 264, Family Code, is
 1-27 amended by adding Section 264.1691 to read as follows:

1-28 Sec. 264.1691. COMMUNITY-BASED FAMILY PRESERVATION
 1-29 SERVICES. (a) In this section:

1-30 (1) "Community-based family preservation services"
 1-31 means family preservation services provided by a community-based
 1-32 entity under a contract with the department.

1-33 (2) "Family preservation services" means services
 1-34 designed to allow children to remain in their families of origin and
 1-35 to ameliorate the effects or reduce the risk of abuse or neglect.
 1-36 The term includes:

1-37 (A) family support services;

1-38 (B) services to promote safe and stable families;

1-39 (C) Title IV-E prevention services;

1-40 (D) family-based safety services; and

1-41 (E) any similar efforts of the department or its
 1-42 designees to allow a child who has been abused or neglected or is at
 1-43 risk of abuse or neglect to remain in the child's home.

1-44 (b) The department shall develop a comprehensive list of
 1-45 options for implementing coordinated community-based family
 1-46 preservation services in existing catchment areas, including:

1-47 (1) contracting with single source continuum
 1-48 contractors to provide services; and

1-49 (2) procuring service providers through a competitive
 1-50 bidding process.

1-51 (c) In developing the options under Subsection (b), the
 1-52 department shall:

1-53 (1) examine existing department functions related to
 1-54 family preservation, including assessments of child safety and
 1-55 child removals, and make recommendations for incorporating the
 1-56 functions into a contracted model;

1-57 (2) consider the results from community needs
 1-58 assessments and capacity development plans conducted during the
 1-59 preceding 10 years; and

1-60 (3) consider:

2-1 (A) contingent on appropriation, including Title
2-2 IV-E prevention services in the delivery of community-based family
2-3 preservation services and the appropriate use of those services;
2-4 (B) the financial modeling used to determine
2-5 implementation costs, including:
2-6 (i) start-up funding costs;
2-7 (ii) the cost of purchased client services;
2-8 (iii) strategies for shared financial risk;
2-9 and
2-10 (iv) rate methodology;
2-11 (C) procedures for transitioning between case
2-12 stages, including transitions from:
2-13 (i) investigation to family preservation;
2-14 and
2-15 (ii) family preservation to foster care;
2-16 (D) ways to maximize evidence-based services and
2-17 to increase the evidence base for family preservation programs in
2-18 this state;
2-19 (E) requirements for complying with federal law
2-20 to receive matching funds for certain prevention services;
2-21 (F) appropriate performance measures for
2-22 contracted services, including associated financial remedies and
2-23 incentives;
2-24 (G) ways to incorporate and to maximize existing
2-25 funding methods for and programs related to behavioral health and
2-26 substance use provided by the Health and Human Services Commission;
2-27 (H) appropriate contract provisions to ensure a
2-28 clear distinction of money, personnel, and processes for family
2-29 preservation services and foster care services;
2-30 (I) conflict resolution procedures between the
2-31 department and contractors concerning:
2-32 (i) service plans;
2-33 (ii) services; and
2-34 (iii) case action for children or families
2-35 served by a contractor;
2-36 (J) appropriate oversight structures to manage
2-37 contract compliance, contractor performance, and child and family
2-38 safety;
2-39 (K) appropriate contract provisions to ensure
2-40 community engagement, including appropriate partnerships with
2-41 faith-based organizations;
2-42 (L) recommendations for statutory changes
2-43 necessary to support the department's implementation options; and
2-44 (M) any other information the department
2-45 determines necessary for legislative direction of the department's
2-46 implementation of community-based family preservation services.
2-47 (d) In developing implementation options under this
2-48 section, the department shall:
2-49 (1) incorporate relevant information obtained from
2-50 previous efforts and similar service models implemented in other
2-51 states;
2-52 (2) collaborate with the Health and Human Services
2-53 Commission as needed, including on:
2-54 (A) recommendations for the provision of
2-55 behavioral health and substance use services; and
2-56 (B) appropriate rate methodology; and
2-57 (3) allow interested persons to comment on the
2-58 provision of behavioral health and substance use services.
2-59 (e) The department may enter into any contracts the
2-60 department determines necessary to comply with this section.
2-61 (f) This section expires August 31, 2023.
2-62 SECTION 2. The following laws are repealed:
2-63 (1) Section 264.169, Family Code; and
2-64 (2) Section 40.0581(f), Human Resources Code.
2-65 SECTION 3. Not later than October 1, 2022, the Department of
2-66 Family and Protective Services shall submit copies of the options
2-67 described by Section 264.1691, Family Code, as added by this Act,
2-68 along with any associated recommendations, to the:
2-69 (1) governor;

- 3-1 (2) lieutenant governor;
- 3-2 (3) speaker of the house of representatives;
- 3-3 (4) House Committee on Appropriations;
- 3-4 (5) Senate Committee on Finance;
- 3-5 (6) House Committee on Human Services; and
- 3-6 (7) Senate Committee on Health and Human Services.

3-7 SECTION 4. The Department of Family and Protective Services
3-8 is required to implement a provision of this Act only if the
3-9 legislature appropriates money specifically for that purpose. If
3-10 the legislature does not appropriate money specifically for that
3-11 purpose, the department may, but is not required to, implement a
3-12 provision of this Act using other appropriations that are available
3-13 for that purpose.

3-14 SECTION 5. This Act takes effect immediately if it receives
3-15 a vote of two-thirds of all the members elected to each house, as
3-16 provided by Section 39, Article III, Texas Constitution. If this
3-17 Act does not receive the vote necessary for immediate effect, this
3-18 Act takes effect September 1, 2021.

3-19 * * * * *