

# Texas Children's Mental Health Forum

Convened by Texans Care for Children and the Texas Health Institute

\* Tuesday November 16, 2010 \* 9:00am -12:00pm \*

Notes are provided to share highlights of Forum meetings with those who are interested in the topics being discussed but are unable to attend. Texans Care for Children and the Texas Health Institute strive to capture an accurate outline of the information and discussion shared during each meeting. However, these notes should not be viewed as an official or complete record of the meeting, and some inaccuracies may be contained. Please contact [Josette Saxton](#) at Texans Care for Children to report any significant errors.

## State Agency Budget Requests for 2012-13: CHIP/Medicaid; Juvenile Justice Agencies

### Greetings and Introductions

*Josette Saxton*  
*Mental Health Policy Associate*  
*Texans Care for Children (TCC)*

During this forum, we will listen to presentations from state agency representatives from the Medicaid and CHIP systems and juvenile justice system and discuss implications. Last spring, state leadership required all state agencies to cut their current budgets by 5%. Just this week, they announced that state agencies must cut their current budgets by an additional 3% and submit plans to do so by the end of this month. On top of this, all state agencies were also required to submit their Legislative Appropriations Requests for the upcoming biennium with schedules of 10% cuts. This means that Texas state agencies could enter the next biennium with a total of 18% cuts to their budgets and there may be more mandates for cuts when the Comptroller's revenue estimate comes out in January.

### CHIP / Children's Medicaid

*Kay Ghahremani*  
*Deputy Director for Policy Development*  
*Health and Human Services Commission (HHSC)*

HHSC has been working on the implementation of parity throughout the state, as required through the 2008 Wellstone and Domenici Parity Act and the 2009 CHIP Reauthorization bill. While Medicaid already has a "medically needed" provision ensuring that mental health care is no more limited than physical health care if necessary, CHIP does not. The state has been working on the limitations in place in Texas's CHIP.

Resource:

- [CHIP Benefits and CHIP Cost-Sharing Handout](#)

Currently, CHIP treatment limitations differ for mental and physical health care. Lifting the mental health care limits to the physical health care limits will produce a cost to state. In order to offset those costs, **CHIP copays may increase** for those in the 150-185% FPL bracket. Another potential option to offset costs is to keep the mental health care treatment limitations as they are and **decrease the physical health care treatment limitations** to match them. This is an option to watch for.

During the 2003 legislative session, the legislature decided to completely **remove the CHIP mental health benefits** in the face of the \$10 billion shortfall. However, federally CMS did not approve this action and mental health benefits remained intact. This tactic may be brought up again, though CMS would not approve it again.

Health Care Reform contains a maintenance of effort (MOE) requirement, meaning states could not change their eligibility standards, which gives states fewer options for reducing their budgets. This means states will resort to either **cuts in provider rates** or **cuts in services in Medicaid and CHIP**.

Many legislative offices have already requested lists of **optional services provided under Medicaid** and are looking for places to cut. Last session, Representative Zerwas authored a bill that directed HHSC to study the implications of **withdrawing from Medicaid**. The “Impact on Texas if Medicaid is Eliminated” report will be public in December ([report now available](#)) and hadn’t garnered much attention until the past few weeks when many conservative members began suggesting that Texas withdraw. The federal Centers for Medicare & Medicaid Services (CMS) would have to approve Texas’s withdrawal. This is another thing to watch.

On September 1, 2012, Health Care Reform will require primary care provider rate increases in Medicaid for certain services, though **provider rates could decrease** in the meantime. The current Legislative Appropriations Requests (LAR) do not include any provider rates cuts, but the agencies may be directed to cut provider rates during the next round of mandated cuts or during session. The DSHS LAR includes incentive payments recruitment and retention of providers.

### **Texas Correctional Office on Offenders with Medical or Mental Impairments**

*April Zamora*

*Director*

*Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)*

TCOOMMI is part of the Texas Department of Criminal Justice (TDCJ) and serves adult and juveniles on probation or parole to ensure there are no gaps in their continuity of care. This means, among other things, that all individuals who need mental health care will have appointments lined up upon release. TCOOMMI serves youth for up to 90 days, a number that can vary based on Local Mental Health Authority (LMHA) waiting lists, the individual’s needs, whether they receive state-run or private care, etc.

In the TDCJ LAR, **TCOOMMI is represented in one line item, Strategy 2.1.1**. Its average biennium budget is approximately \$40 million. They were **exempted from the 5% budget cuts** to the current biennium’s budget. The LAR, with the schedules of **10% cuts, includes \$1.9 million in cuts each year for TCOOMMI, a total of \$3.8 million for biennium**. There were no proposed cuts to services; money was trimmed out of their administrative office and their contracts with LMHAs. They are not sure how they will be affected by the new 3% mandated cuts.

One issue is that TCOOMMI’s funding is in partnership with / dependent on other agency budgets, including TDCJ’s, TYC’s, and TJPC’s. For example, if TJPC cuts its special needs diversionary program, TCOOMMI will have to match that and cut in a similar way. Their future cuts will completely depend on those partner agency cuts, so TCOOMMI is waiting on the legislature’s decisions to be made during session. One budget item April believes is non-negotiable is the TCOOMMI continuity of care workers. That is the safest part of their budget.

The **next TCOOMMI Advisory Committee Meeting is December 13<sup>th</sup>**. [View the meeting announcement here](#). The agenda includes: Status of TYC Mental Health Discharges; TCOOMMI Continuity of Care; TJPC’s Special Needs Diversionary Program and Grant C and Mental Health funding; and a Legislative Update. **It is open to the public and everyone is encouraged to come.**

Resource:

- [Texas Dept. of Criminal Justice Legislative Appropriations Request for FY 2012-2013](#) (page 77 & 78 of this PDF file reflects TCOOMMI’s budget)

## Texas Juvenile Probation Commission

*Bill Monroe*

*Fiscal Officer*

*Texas Juvenile Probation Commission (TJPC)*

TJPC's current biennium budget is \$362 million. 30% of their total budget is funded by the state and 70% is funded by county-level governments, meaning the total TJPC budget is close to \$1 billion dollars. Cuts at the state level will inevitably affect the ability of local level governments to maintain a properly functioning system – those **cuts will be pushed onto the counties**, who will be forced to make up the difference or make cuts themselves.

The **TJPC LAR contains a proposed \$40 million decrease** to their budget. That includes the 5% cuts to the current biennium, the schedules of 10% cuts, and the loss of federal Title IV-E (child welfare) funds.

The only cuts directly affecting mental health are the **cancellation of plans to build a state mental health facility** (referred to last session as the Peavy-Switch project). Last session, the state legislature appropriated **\$1 million** to provide inpatient treatment for juvenile offenders with moderate mental health needs who could not be served in the community due to a combination of their mental health issues and their conduct in the community. This funding was returned to the state to comply with the 5% cut to the current budget. This project has been placed on permanent hold, and TJPC did not request funds in the 2012-2013 LAR.

In the schedules of 10% budget cuts included in the LAR there are \$20 million in cuts proposed, **none of which directly affect mental health**. This means that **TCOOMMI's budget will not need to be cut based on TJPC's cuts**. There are many streams of funding that are not labeled or clearly attributable to mental health, but could affect the mental health of the youth they serve nonetheless.

The proposal TJPC sent to the legislature in hopes of securing **additional funds totals \$19 million** for the upcoming biennium. In that request, TJPC expressed a need for a **mental health professional in all secure county facilities**. They requested this two years ago as well, but it was denied. They hope to gain 47-50 mental health professionals to serve the 84 county-operated facilities (50 are pre-adjudication, 34 are post-adjudication). The state could potentially garner more federal funds due to Medicaid and CHIP coverage for post-adjudication, etc.

There are also budget reductions / cost savings from the **commitment reduction program**. It's a program that provided funding to all counties to divert youth from TYC. About 25 departments chose not to take funding last year. This year only 16 departments have declined participation. The budget reductions come from those counties that opt-out of this diversion program. If TJPC is directed to produce more cuts to their budget, it may take place here. This is something to watch, but it hasn't been proposed yet.

Resource:

- [TJPC Legislative Appropriations Request for Fiscal Years 2012-2013 Budget Hearing Information Packet](#)

## Texas Youth Commission

*James Smith*

*Director of Youth Services*

*Texas Youth Commission (TYC)*

TYC **cut its current biennium budget by 4.5%** under direction from state leadership. The LAR for TYC includes **additional 10% cut** schedules. On top of that, TYC like all other state agencies are looking into **another 3% cut** to the current budget.

The 10% proposed cuts included in the LAR approximately **\$40 million in proposed cuts**. This includes the possible/probable **closing of two large facilities**. Ultimately, the legislature will decide which facilities, if

any, will be closed, but the TYC board drafted a list of all the facilities under TYC purview and the pros and cons of closing each one.

If the legislature decides to move ahead with the closing of two facilities, the youth and family members served by the TYC system will take the hardest hit. Many of the reforms that have been implemented in the past few years focused on increasing family/parental involvement, keeping youth close to their home community, and decreasing the staff : youth ratios and downsizing facilities to recommended levels. If a number of youth are displaced and re-funneled due to facility closing, those efforts will be undone.

Currently, TYC has **mental health services budgeted for 300 youth**, though they are seeing an increase in demand for moderate-level mental health services. Right now, none of those mental health services are in jeopardy in the current or proposed cuts.

Last session, the legislature passed SB 103 which increased the transition age of youth aging out of the system to 19 years. These youth are being discharged and are not coming out on parole so they are faced with narrowed eligibility for community mental health services due to their age. Some work must be done to ensure they are eligible for and enrolled in **Medicaid and CHIP** upon transition.

**Housing** is another problem these youth face. There were some workgroups researching housing issues in the criminal justice system. The Reentry Taskforce and the Council on Children and Families each had housing subcommittees. There are also efforts to replicate the great housing programs in existence in Travis and Dallas counties.

Resource:

- [Texas Youth Commission Legislative Appropriations Request for Fiscal Years 2012-2013 Summary](#)

## Announcements

**Opportunity to Support Bill to Require Private Coverage of SED:** Chris Bryan with Clarity Child Guidance Center announced an opportunity for organizations and individuals to learn more about efforts to require private insurance companies to cover serious emotional disturbance (SED) in children and youth, which considers a child's functionality. There is a website dedicated to this effort that has information/factsheets/resources and a chance to sign up to show support by joining the coalition (can do so personally or professionally) at [www.texansforSEDCoverage.org](http://www.texansforSEDCoverage.org). A bill is pending from Representative Castro in the House and to be sponsored by Senator Van de Putte in the Senate to authorize private plan coverage for youth with serious emotional disturbance (SED).

**Mentoring Opportunity for Children with Incarcerated Parents.** David Halpert with the State Attorney General's Office shared an opportunity to become a mentor for children of parents who are incarcerated through the [Seedling Foundation](#). It is a 6-year old program that is one-of-a-kind. The first year there were 50 mentors, and last year there were over 400 mentors participating in this program. The program is in desperate need of mentors. If you would like more information, [click here](#) or contact David Halpert at (512.475.4031).

**Systems of Care Job Opportunity in Travis County** – A job position has opened at Travis County HHS to manage the Children's Partnership Program. It's a project manager position for the Children's Partnership and includes social services, management, and administration work. For more information, please visit the Travis County HHS [jobs website](#) and search for "Social Services Program Administrator (System of Care Manager)"

## Meeting Close

**THE NEXT CHILDREN'S MENTAL HEALTH FORUM WILL BE IN JANUARY 18, 2011. See you 2011!**