

By: Campos

H.B. No. 4687

Substitute the following for H.B. No. 4687:

By: Klick

C.S.H.B. No. 4687

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration of funding for the coordination of  
3 mental health, substance use, and public health care services in  
4 this state.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 403, Government Code, is amended by  
7 adding Subchapter T to read as follows:

8 SUBCHAPTER T. MENTAL HEALTH, SUBSTANCE USE, AND PUBLIC HEALTH

9 INITIATIVES

10 Sec. 403.601. DEFINITIONS. In this subchapter:

11 (1) "Council" means the mental health, substance use,  
12 and public health initiative council established by Section  
13 403.602.

14 (2) "Fund" means the mental health, substance use, and  
15 public health initiative trust fund established by Section 403.603.

16 Sec. 403.602. MENTAL HEALTH, SUBSTANCE USE, AND PUBLIC  
17 HEALTH INITIATIVE COUNCIL. (a) The mental health, substance use,  
18 and public health initiative council is established to ensure that  
19 money allocated to the mental health, substance use, and public  
20 health initiative trust fund is allocated fairly and spent to  
21 improve the coordination among mental health, substance use, and  
22 public health.

23 (b) The council is composed of the following 14 members:

24 (1) one member appointed by the governor who is a

1 current or retired health care operations professional with 10 or  
2 more years of experience in matters of substance use, mental  
3 health, and public health;

4 (2) one member appointed by the lieutenant governor  
5 who is a current or retired health care operations professional  
6 with 10 or more years of experience in matters of substance use,  
7 mental health, and public health;

8 (3) one member appointed by the speaker of the house of  
9 representatives who is a current or retired health care operations  
10 professional with 10 or more years of experience in matters of  
11 substance use, mental health, and public health;

12 (4) three members appointed by the executive  
13 commissioner of the Health and Human Services Commission who are  
14 from academia or the medical profession and have significant  
15 experience in matters of substance use, mental health, and public  
16 health;

17 (5) seven members appointed by the executive  
18 commissioner of the Health and Human Services Commission as  
19 follows:

20 (A) one member who is a current or former  
21 employee of a rural hospital district;

22 (B) one member who is a current or former  
23 employee of a local health authority;

24 (C) one member who is a current or former  
25 employee of a local mental health authority, as defined by Section  
26 531.002, Health and Safety Code;

27 (D) one member who is a current or former

1 employee of a federally qualified health center in this state;

2 (E) one member who has lived experience with a  
3 mental health condition or substance abuse condition; and

4 (F) two members with at least 10 years of  
5 experience working with a health philanthropy nonprofit  
6 organization or foundation; and

7 (6) the comptroller or the comptroller's designee.

8 (c) The comptroller or the comptroller's designee serves as  
9 the presiding officer of the council and is a nonvoting member.

10 (d) In making appointments under Subsection (b)(4), the  
11 executive commissioner of the Health and Human Services Commission  
12 shall appoint members from lists provided by the governing bodies  
13 of six rural counties and six rural municipalities selected by the  
14 executive commissioner with each list naming two qualified  
15 candidates with experience in substance use treatment, education,  
16 and research.

17 (e) In making appointments under Subsection (b), the  
18 governor, lieutenant governor, and speaker of the house of  
19 representatives shall coordinate to ensure that the membership of  
20 the council reflects, to the extent possible, the ethnic and  
21 geographic diversity of this state.

22 (f) The council is administratively attached to the  
23 Department of State Health Services. The Department of State Health  
24 Services shall provide the staff and facilities necessary to assist  
25 the council in performing its duties.

26 (g) A decision by the council to award a grant under Section  
27 403.604 requires the unanimous approval of all members of the

1 council.

2 (h) The council is subject to Chapter 551.

3 Sec. 403.603. MENTAL HEALTH, SUBSTANCE USE, AND PUBLIC  
4 HEALTH INITIATIVE TRUST FUND. (a) The mental health, substance  
5 use, and public health initiative trust fund is a trust fund  
6 established outside the state treasury for the purposes of this  
7 subchapter. The fund is not a part of this state's general funds.

8 (b) The fund is administered by the Texas Treasury  
9 Safekeeping Trust Company. The trust company may authorize money  
10 from the fund to be invested with money from the state treasury.  
11 The trust company may establish in the fund accounts to facilitate  
12 the administration of money in the fund.

13 (c) The fund consists of:

14 (1) an initial appropriation of money by the  
15 legislature to the fund as permanent principal for the fund;

16 (2) any additional legislative appropriations of  
17 money for the purposes of the fund;

18 (3) interest or other earnings on money credited to or  
19 allocable to the fund; and

20 (4) money from gifts, grants, or donations to the  
21 fund.

22 (d) The money initially appropriated by the legislature as  
23 permanent principal for the fund may not be used for any purpose  
24 other than to gain interest or other investment earnings.

25 (e) Money in the fund gained as interest or other earnings  
26 on the investment of the permanent principal of the fund may be used  
27 only to:

1 (1) provide grants in accordance with Section 403.604;

2 and

3 (2) pay the necessary and reasonable expenses of  
4 administering the fund.

5 (f) In making investments of money in the fund, the Texas  
6 Treasury Safekeeping Trust Company shall exercise the judgment and  
7 care under the circumstances then prevailing that a person of  
8 ordinary prudence, discretion, and intelligence exercises in the  
9 management of the person's own affairs.

10 (g) The Texas Treasury Safekeeping Trust Company may  
11 appoint one or more commercial banks, depository trust companies,  
12 or other similar entities to serve as the custodian of the fund.

13 Sec. 403.604. ESTABLISHMENT OF GRANT PROGRAM. (a) The  
14 council shall establish a grant program to award grants for  
15 programs that improve the coordination between substance use,  
16 mental health, and public health care services in this state  
17 providing services to individuals with co-occurring mental health  
18 and substance use disorders.

19 (b) A program funded through a grant awarded under this  
20 subchapter must improve the coordination between substance use,  
21 mental health, and public health care services in the state  
22 through:

23 (1) evidence-based preventative or therapeutic  
24 measures, research, the implementation of new technology, data  
25 collection, education programs, or capital improvements; and

26 (2) providing an efficient and cost-effective method  
27 that is directed to support the coordination of personnel, capital

1 improvements, data interoperability, or long-term financial  
2 sustainability of the mental health care, substance use, and public  
3 health care providers.

4 (c) Annually, the council shall establish procedures for  
5 submitting, accepting, and evaluating grant applications under  
6 this subchapter.

7 (d) The council, in coordination with the statewide  
8 behavioral health coordinating council established under  
9 Subchapter M-1, Chapter 531, shall evaluate grant applications at  
10 least biennially.

11 Sec. 403.605. REPORT. Not later than October 1 of each  
12 year, the Texas Treasury Safekeeping Trust Company shall submit a  
13 written report to the legislature detailing:

14 (1) all expenditures made by the council during the  
15 preceding state fiscal year; and

16 (2) any amount of money greater than the initial  
17 appropriation of permanent principal by the legislature that is  
18 held in the fund.

19 Sec. 403.606. RULES. The council shall adopt rules to  
20 implement this subchapter.

21 SECTION 2. As soon as practicable after the effective date  
22 of this Act, the executive commissioner of the Health and Human  
23 Services Commission, the governor, the lieutenant governor, and the  
24 speaker of the house of representatives shall appoint the members  
25 of the mental health, substance use, and public health initiative  
26 council as provided by Section 403.602, Government Code, as added  
27 by this Act.

1           SECTION 3. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2023.