

BILL ANALYSIS

C.S.H.B. 1111
By: Turner
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Serious concerns have been raised as a result of recent reports regarding the types and amounts of psychotropic medications prescribed to children within the Texas foster care system. The fact that the Texas Department of Family and Protective Services exercised little oversight over prescribing these medications may be an indication that all other state agencies that care for children should be provided with stronger prohibitions against possible abuse. Any attempt to utilize children in the care and custody of the State of Texas for medical or psychiatric research should be strongly prohibited. Given that the Texas Youth Commission (the commission) houses a number of children with severe mental health needs, it is absolutely essential that the State of Texas ensure that all children within the commission's custody be protected from any possible psychotropic abuse.

CSHB 1111 prohibits the commission from allowing a child committed to the commission to participate in a medical, psychiatric, or other type of research program or study, but does not prohibit survey research or retrospective studies. CSHB 1111 also requires the commission to report any research on children to the Governor, Lieutenant Governor, the Speaker of the House of Representatives and the members of the legislature.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill amends the Human Resources Code to prohibit the Texas Youth Commission (the commission) from allowing a child committed to the commission to participate in a medical, psychiatric, or other type of research program or study, but does not prohibit survey research or retrospective studies that are based only on medical records, claims data, or outcome data.

CSHB 1111 provides that the commission shall keep records relating to children committed to it that participate in research programs or studies and that the records must show, for each calendar quarter and for each calendar year: the number of children participating in research programs or studies for the appropriate reporting period; the type of research program or study in which each child is participating; the name of the principal investigator conducting the research program or study; and the entity sponsoring the research program or study. The commission shall submit a report with this information to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature on or before the 15th day after the last day of the appropriate reporting period. The report is to be considered public information under Chapter 552, Government Code.

CSHB 1111 applies to a child committed to the Texas Youth Commission without regard to whether the child was committed before, on, or after the effective date of the Act.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill prohibits the Texas Youth Commission (the commission) from allowing a child committed to it to participate in a medical, psychiatric, or other type of research program. The substitute prohibits the commission from allowing a child committed to it to participate in a medical, psychiatric, or other type of research program *or study*.

Additionally, the substitute adds language not in the original bill to allow a child committed to the commission to participate in survey research or retrospective studies that are based only on medical records, claims data or outcome data.

The substitute adds the requirement that the commission keep records relating to children committed to it that participate in research programs or studies. The substitute also outlines the information to be included in those records, requires that the information be reported regularly to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and members of the legislature, and specifies that the reports are public information.