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S.B. No. 1648

A BILL TO BE ENTITLED

AN ACT

relating to providing outreach services, behavioral health services, and certain health care services related to mental health to certain members and veterans of the armed forces and their families and providing for the creation of related clinical practice guidelines.

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

SECTION 1. Title 12, Health and Safety Code, is amended by designating Chapter 1001, Health and Safety Code, as Subtitle A and adding a heading for Subtitle A to read as follows:

SUBTITLE A. ADMINISTRATION BY DEPARTMENT

SECTION 2. Title 12, Health and Safety Code, is amended by adding Subtitle B to read as follows:

SUBTITLE B. DEPARTMENT OF STATE HEALTH SERVICES PROGRAMS

CHAPTER 1022. SERVICES FOR SERVICEMEMBERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1022.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of State Health Services.

(2) "Post-traumatic stress disorder" means a psychiatric disorder that can occur in people who have experienced or witnessed life-threatening events, including natural disasters, serious accidents, terrorist incidents, war, or violent personal assaults.

1 (3) "Program" means the program established under this
2 chapter.

3 (4) "Servicemember" has the meaning assigned by
4 Section 161.551.

5 (5) "Traumatic brain injury" means an acquired injury
6 to the brain, including brain injuries caused by anoxia due to near
7 drowning. The term does not include brain dysfunction caused by
8 congenital or degenerative disorders or birth trauma.

9 Sec. 1022.002. RULES. The executive commissioner of the
10 Health and Human Services Commission shall adopt rules to implement
11 this chapter.

12 Sec. 1022.003. CREATION AND PURPOSE. The department shall
13 establish a program under this chapter to promote the wellness of
14 servicemembers and their families through the development,
15 maintenance, and dissemination of clinical practice guidelines and
16 other information for the effective treatment of psychological
17 trauma and the reintegration of servicemembers into their
18 communities, families, and workplaces, with emphasis on the trauma
19 of war, including post-traumatic stress disorder, traumatic brain
20 injury, and sexual trauma that occurs in military settings.

21 [Sections 1022.004-1022.050 reserved for expansion]

22 SUBCHAPTER B. CLINICAL PRACTICE GUIDELINES FOR TRAUMA

23 Sec. 1022.051. CLINICAL GUIDELINES. (a) The department
24 shall develop evidence-based clinical practice guidelines
25 containing recommendations to clinicians and other providers of
26 mental health services for the management of trauma, including
27 post-traumatic stress disorder, traumatic brain injury, and other

1 trauma impacting behavioral health.

2 (b) In developing clinical practice guidelines, the
3 department shall consider the recommendations and research of the
4 National Center for Posttraumatic Stress Disorder of the federal
5 Veterans Health Administration, the trauma registry and research
6 database of the United States Army Institute of Surgical Research,
7 and other appropriate and reputable sources of clinical research
8 and information as determined by the department.

9 (c) The department shall provide for the ongoing
10 maintenance and updating of the clinical practice guidelines in a
11 manner that reflects current diagnostic and treatment best
12 practices.

13 (d) Clinical practice guidelines established under this
14 subchapter do not constitute the sole source of guidance in the
15 management of trauma. Guidelines are intended to assist clinicians
16 by providing a framework for clinical decision making. These
17 guidelines do not provide the only appropriate approach to the
18 management of trauma or replace other clinical judgment.

19 Sec. 1022.052. DISSEMINATION OF GUIDELINES. (a) The
20 department shall make the clinical practice guidelines and other
21 information developed under this subchapter available to providers
22 of physical and behavioral health services.

23 (b) The department shall provide the clinical practice
24 guidelines and information to the appropriate professional
25 associations to be used in continuing education and shall, to the
26 extent feasible, enter into agreements or take other action to
27 promote the use of the materials for continuing education purposes.

1 (c) The department or its designees shall provide training
2 and continuing education to clinicians and shall recognize through
3 certificates or other means the health care providers that have
4 demonstrated knowledge and mastery of the clinical practice
5 guidelines and other materials developed by the department for the
6 program.

7 Sec. 1022.053. TRAINING AND EDUCATIONAL MATERIALS. In
8 addition to clinical practice guidelines, the department shall
9 develop, with the advice of and in consultation with the Texas
10 Veterans Commission, training and educational materials for the use
11 of the Texas Veterans Commission, veterans county service officers,
12 and other service providers. The materials must promote the
13 understanding and effective treatment of trauma affecting
14 behavioral health and other health-related information pertaining
15 to the reintegration of servicemembers into their communities,
16 families, and workplaces.

17 [Sections 1022.054-1022.100 reserved for expansion]

18 SUBCHAPTER C. BEHAVIORAL HEALTH SERVICES AND SERVICE COORDINATION

19 Sec. 1022.101. SERVICE COORDINATION. (a) The department,
20 in consultation with the United States Department of Veterans
21 Affairs, the Texas military forces, the Texas Information and
22 Referral Network, the Texas Veterans Commission, and the General
23 Land Office, shall provide service coordination for servicemembers
24 and their families in all geographic regions of the state to connect
25 them to behavioral health services that may be available through
26 the United States Department of Veterans Affairs or available under
27 this chapter.

1 (b) In geographic areas in this state in which services are
2 not yet available or accessible through the United States
3 Department of Veterans Affairs, the department shall provide
4 service coordination for veterans to connect them to behavioral
5 health services that may be available through community mental
6 health centers or other community resources with which the
7 department contracts until federal services are available.

8 (c) The department shall provide servicemembers and their
9 families current, accurate, and complete information about
10 behavioral health services and resources through existing
11 Internet-based resource programs and through:

12 (1) the directory of services for military personnel
13 and their families disseminated through the Texas Information and
14 Referral Network under Subchapter U, Chapter 161; and

15 (2) the service referral program under Section
16 431.0291, Government Code, as added by Chapter 1381 (S.B. 1058),
17 Acts of the 80th Legislature, Regular Session, 2007.

18 Sec. 1022.102. ELIGIBILITY. (a) To qualify for behavioral
19 health services under Section 1022.103, a servicemember must:

20 (1) reside in this state;

21 (2) be younger than 65 years of age;

22 (3) have served for at least 180 days of duty after the
23 servicemember's initial training;

24 (4) not be an inmate of a public institution;

25 (5) not be a resident of a nursing facility;

26 (6) not have health care coverage that provides
27 diagnostic review and treatment for post-traumatic stress

disorder, traumatic brain injury, or other trauma occurring in a military setting that impacts behavioral health; and

(7) be ineligible for services from the United States Department of Veterans Affairs or be unable to access those services because:

(A) the servicemember resides more than 50 miles from the nearest service provider;

(B) the servicemember does not have transportation to a service provider; or

(C) the servicemember must wait more than 45 days for an appointment with a service provider.

(b) A servicemember who does not meet the eligibility requirements for services under this section shall be referred to an appropriate service provider for follow-up care.

(c) To receive behavioral health services under Section 1022.103, an eligible servicemember must enroll in the program. Following expiration of the term of a servicemember's enrollment in the program, the servicemember may reenroll for services under the program if the department or its designee determines that the servicemember continues to qualify for treatment for post-traumatic stress disorder, traumatic brain injury, or other trauma occurring in a military setting that impacts behavioral health.

(d) A family member of an enrolled servicemember may receive behavioral health services under the program as described by Section 1022.103.

Sec. 1022.103. BEHAVIORAL HEALTH SERVICES PROGRAM.

1 (a) The department shall establish a program to provide behavioral
2 health services in accordance with this section for eligible
3 servicemembers under Section 1022.102. The behavioral health
4 services provided under this section may include:

5 (1) crisis services in all geographic regions of the
6 state; and

7 (2) behavioral health services in areas of the state
8 in which existing federal and state behavioral health services are
9 determined by the department to be inadequate or inaccessible.

10 (b) The behavioral health services provided under
11 Subsection (a)(2) must to the greatest extent possible be provided
12 in a peer-based treatment environment and may include:

13 (1) screening assessments;

14 (2) individual, family, and group therapy;

15 (3) substance abuse early intervention and
16 detoxification services; and

17 (4) substance abuse medication-assisted treatment.

18 (c) The provision of services by the department under this
19 section must be based on medical necessity criteria established by
20 department rule.

21 (d) The department shall seek reimbursement for the costs of
22 services provided under this section from the United States
23 Department of Veterans Affairs and from other governmental agencies
24 that may provide behavioral health services or payments for such
25 services to servicemembers and their families.

26 (e) In order to enhance service coordination and assess the
27 needs of servicemembers and their families, the department shall

1 provide an opportunity for servicemembers to disclose military
2 status when accessing local behavioral health services that receive
3 funding from the department.

4 Sec. 1022.104. FUNDING. (a) The legislature may not
5 appropriate money from the general revenue fund to pay for the cost
6 of the services provided under this subchapter.

7 (b) The services provided under this subchapter may be
8 funded by gifts, grants, or reimbursement payments from federal and
9 private sources.

10 (c) Not later than December 1 of each odd-numbered year, the
11 comptroller, in consultation with the department, shall estimate
12 the amounts available from federal and private sources for
13 provision of services under this subchapter. The comptroller shall
14 report the estimate to the governor and the Legislative Budget
15 Board, and shall include recommendations and related policies that
16 would enhance funding for services provided under this subchapter.

17 (d) This section expires January 1, 2015.

18 [Sections 1022.105-1022.150 reserved for expansion]

19 SUBCHAPTER D. BEHAVIORAL HEALTH OUTREACH

20 Sec. 1022.151. OUTREACH ACTIVITIES. (a) Through a public
21 outreach program, the department shall provide to servicemembers
22 and their families information on accessing services through the
23 Texas Information and Referral Network and through other
24 organizations participating in memoranda of understanding
25 maintained by the Texas military forces.

26 (b) The department's outreach activities must describe
27 programs administered by health and human services agencies that

1 could be of interest to servicemembers and their families,
2 including early childhood intervention services, state vocational
3 rehabilitation services, and higher education benefits and support
4 services.

5 (c) The department's outreach efforts must be:

6 (1) conducted on a statewide basis;

7 (2) conducted through a contract or contracts with
8 statewide or local community-based organizations with experience
9 in statewide outreach to the military; and

10 (3) staffed by individuals with demonstrated
11 experience in working with the military and military service
12 organizations.

13 (d) Outreach methods must include direct personal contacts
14 with servicemembers and outreach using communications media and
15 printed materials. As a component of the department's outreach
16 activities, the department shall maintain or support an existing
17 interactive Internet-based resource program that:

18 (1) allows individuals to access comprehensive
19 information, advocacy resources, and other resources regarding
20 public and private behavioral health services, crisis and emergency
21 services, and early intervention and prevention programs; and

22 (2) enables the public and private health care
23 communities to work together to address the problems related to
24 obtaining access to behavioral health services and other
25 reintegration services for servicemembers and their families.

26 (e) The interactive Internet-based program established
27 under Subsection (d) shall be developed or maintained by the

1 department with the advice of and in consultation with the Texas
2 military forces. The department shall collaborate with state
3 agencies and the Texas military forces to develop strategies to use
4 existing interactive Internet-based resources that serve
5 servicemembers and their families.

6 SECTION 3. Subchapter A, Chapter 431, Government Code, is
7 amended by adding Section 431.0186 to read as follows:

8 Sec. 431.0186. SCREENING FOR TRAUMATIC BRAIN INJURY.

9 (a) The adjutant general shall require each member of the Texas
10 National Guard who served during Operation Enduring Freedom or
11 Operation Iraqi Freedom to be screened for traumatic brain injury.

12 (b) The adjutant general shall assist a member of the Texas
13 National Guard who tests positive for traumatic brain injury in
14 obtaining appropriate medical care.

15 SECTION 4. Section 434.007, Government Code, is amended to
16 read as follows:

17 Sec. 434.007. DUTIES. (a) The commission shall:

18 (1) compile federal, state, and local laws enacted to
19 benefit members of the armed forces, veterans, and their families
20 and dependents;

21 (2) collect information relating to services and
22 facilities available to veterans;

23 (3) cooperate with veterans service agencies in the
24 state;

25 (4) inform members and veterans of the armed forces,
26 their families and dependents, and military and civilian
27 authorities about the existence or availability of:

1 (A) educational training and retraining
2 facilities;

3 (B) health, medical, rehabilitation, and housing
4 services and facilities;

5 (C) employment and reemployment services;

6 (D) provisions of federal, state, and local law
7 affording rights, privileges, and benefits to members and veterans
8 of the armed forces and their families and dependents; and

9 (E) other similar, related, or appropriate
10 matters;

11 (5) assist veterans and their families and dependents
12 in presenting, proving, and establishing claims, privileges,
13 rights, and benefits they may have under federal, state, or local
14 law, including establishing eligibility for health care services
15 and treatments from the federal Veterans Health Administration and
16 for services provided through the Department of State Health
17 Services;

18 (6) cooperate with all government and private agencies
19 securing services or benefits to veterans and their families and
20 dependents;

21 (7) investigate, and if possible correct, abuses or
22 exploitation of veterans or their families or dependents, and
23 recommend necessary legislation for full correction;

24 (8) coordinate the services and activities of state
25 departments and divisions having services and resources affecting
26 veterans or their families or dependents;

27 (9) provide training and certification of veterans

1 county service officers and assistant veterans county service
2 officers in accordance with Section 434.038; and

3 (10) through surveys or other reasonable and accurate
4 methods of estimation, collect and maintain for each county in the
5 state the number of servicemembers and veterans residing in the
6 county and annually update and publish the information on the
7 commission's website.

8 (b) The commission shall enter into a memorandum of
9 understanding with the Department of State Health Services to
10 develop training materials for veterans county service officers and
11 veterans service organizations that promote the understanding and
12 effective treatment of trauma affecting behavioral health and other
13 health-related information that promotes the reintegration of
14 members and veterans of the armed forces into their communities,
15 families, and workplaces. The commission shall:

16 (1) disseminate training and educational materials
17 for the development of clinical practice guidelines and other
18 training and educational materials that it receives from the
19 department;

20 (2) enter into a contract or other agreement for the
21 development of the training and educational materials with the
22 department;

23 (3) reimburse the department for costs of preparing
24 the materials from appropriations or other amounts available to the
25 commission; and

26 (4) enter into relationships with established
27 training programs for the purpose of providing peer support

1 training and certification for veterans county service officers.

2 SECTION 5. Subsection (a), Section 434.0078, Government
3 Code, is amended to read as follows:

4 (a) The commission shall adopt procedures for administering
5 claims assistance services under Section 434.007(5). Claims
6 assistance services shall be provided for establishing eligibility
7 for health care services and treatments from the federal Veterans
8 Health Administration. The procedures shall include:

9 (1) criteria for determining when a veteran's initial
10 claim is substantially complete and basic eligibility requirements
11 are met as provided by federal law;

12 (2) a process for expediting a claim based on
13 hardship, including whether the veteran:

14 (A) is in immediate need;

15 (B) is terminally ill;

16 (C) has a verifiable financial hardship; or

17 (D) has a disability that presents an undue
18 burden;

19 (3) a procedure for counseling veterans on the
20 potential merits or drawbacks of pursuing a claim;

21 (4) a process to ensure adequate documentation and
22 development of a claim or appeal, including early client
23 involvement, collection of needed evidence and records, and
24 analysis of actions necessary to pursue and support a claim or
25 appeal;

26 (5) criteria for evaluating whether a decision of the
27 United States Department of Veterans Affairs contains sufficient

1 cause for filing an appeal;

2 (6) a requirement that a claims counselor report to
3 the United States Department of Veterans Affairs if the counselor
4 has direct knowledge that a claim contains false or deceptive
5 information; and

6 (7) a procedure for prioritizing a claim, when
7 appropriate, or providing an alternative source for obtaining
8 claims assistance services when it is not appropriate to
9 prioritize.

10 SECTION 6. The Department of State Health Services shall
11 conduct an immediate analysis of the behavioral health needs of
12 servicemembers and their families and submit a preliminary report
13 of its findings and recommendations to the legislature and the
14 governor on or before December 1, 2009, and a final report of its
15 findings and recommendations on or before December 1, 2010. The
16 report shall:

17 (1) identify the gaps in behavioral health services
18 available to servicemembers and their families;

19 (2) identify impediments to the ability of
20 servicemembers and their families to access the behavioral health
21 services that are available, particularly in the state's rural
22 areas;

23 (3) evaluate collaboration among organizations and
24 entities that provide behavioral health services to servicemembers
25 and their families;

26 (4) make recommendations with respect to improving
27 outreach to servicemembers and their families in need of behavioral

1 health services;

2 (5) include a specific plan of action to promote
3 federal and state collaboration to maximize funding and access to
4 resources for the behavioral health needs of servicemembers and
5 their families;

6 (6) make recommendations with respect to building
7 provider capacity and increasing provider training to meet the
8 behavioral health needs of servicemembers and their families
9 through peer support treatment methodologies; and

10 (7) make recommendations with respect to improving the
11 coordination of behavioral health services for servicemembers and
12 their families.

13 SECTION 7. Not later than January 1, 2010, the executive
14 commissioner of the Health and Human Services Commission shall
15 adopt rules as necessary to administer Chapter 1022, Health and
16 Safety Code, as added by this Act.

17 SECTION 8. (a) This Act does not make an appropriation.
18 This Act takes effect only if a specific appropriation for the
19 implementation of the Act is provided in a general appropriations
20 act of the 81st Legislature.

21 (b) Notwithstanding Subsection (a) of this section, this
22 Act may take effect without regard to whether a specific
23 appropriation prohibited by Section 1022.104, Health and Safety
24 Code, as added by this Act, is made.

25 SECTION 9. Except as provided by Section 8 of this Act, this
26 Act takes effect September 1, 2009.