

By: Van de Putte, et al.

S.B. No. 1648

Substitute the following for S.B. No. 1648:

By: Kolkhorst

C.S.S.B. No. 1648

A BILL TO BE ENTITLED

1 AN ACT

2 relating to providing outreach services, service coordination for
3 behavioral health services and other health care services related
4 to mental health, and related information to members and veterans
5 of the armed forces and their families, creating a pilot program for
6 provision of related behavioral health services, and providing for
7 the creation of related clinical practice guidelines.

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

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

12 SUBTITLE A. ADMINISTRATION BY DEPARTMENT

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

15 SUBTITLE B. DEPARTMENT OF STATE HEALTH SERVICES PROGRAMS

16 CHAPTER 1022. SERVICES FOR SERVICEMEMBERS

17 SUBCHAPTER A. GENERAL PROVISIONS

18 Sec. 1022.001. DEFINITIONS. In this chapter:

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

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

1 assaults.

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

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

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

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

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

22 [Sections 1022.004-1022.050 reserved for expansion]

23 SUBCHAPTER B. CLINICAL PRACTICE GUIDELINES FOR TRAUMA

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

1 post-traumatic stress disorder, traumatic brain injury, and other
2 trauma impacting behavioral health.

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

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

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

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

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

1 promote the use of the materials for continuing education purposes.

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

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

18 [Sections 1022.054-1022.100 reserved for expansion]

19 SUBCHAPTER C. SERVICE COORDINATION FOR BEHAVIORAL
20 HEALTH SERVICES

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

1 the United States Department of Veterans Affairs or available under
2 this chapter.

3 (b) In geographic areas in this state in which services are
4 not yet available or accessible through the United States
5 Department of Veterans Affairs, the department shall negotiate
6 contracts with the United States Department of Veterans Affairs for
7 behavioral health services provided through community mental
8 health centers or other community resources with which the
9 department contracts until federal services are available.

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

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

17 (2) the service referral program under Section
18 431.0291, Government Code, as added by Chapter 1381 (S.B. 1058),
19 Acts of the 80th Legislature, Regular Session, 2007.

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

25 (e) In order to enhance service coordination and assess the
26 needs of servicemembers and their families, the department shall
27 provide an opportunity for servicemembers to disclose military

1 status when accessing local behavioral health services that receive
2 funding from the department.

3 [Sections 1022.102-1022.150 reserved for expansion]

4 SUBCHAPTER D. BEHAVIORAL HEALTH SERVICES PILOT PROGRAMS

5 Sec. 1022.151. ESTABLISHMENT OF PILOT PROGRAMS. (a) The
6 department shall establish pilot programs in El Paso and Bexar
7 Counties to evaluate the effectiveness of a program to provide
8 behavioral health services to eligible servicemembers.

9 (b) The department shall contract with the local mental
10 health authorities in El Paso and Bexar Counties to administer the
11 pilot programs.

12 Sec. 1022.152. ELIGIBILITY. (a) To qualify for behavioral
13 health services under Section 1022.153, a servicemember must:

- 14 (1) reside in El Paso or Bexar County;
- 15 (2) be younger than 65 years of age;
- 16 (3) have served for at least 180 days of duty after the
17 servicemember's initial training;
- 18 (4) not be an inmate of a public institution;
- 19 (5) not be a resident of a nursing facility;
- 20 (6) not have health care coverage that provides
21 diagnostic review and treatment for post-traumatic stress
22 disorder, traumatic brain injury, or other trauma occurring in a
23 military setting that impacts behavioral health; and

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

- 27 (A) the servicemember does not have

1 transportation to a service provider; or

2 (B) the servicemember must wait more than 30 days
3 for an appointment with a service provider.

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

7 (c) To receive behavioral health services under Section
8 1022.153, an eligible servicemember must enroll with the local
9 mental health authority in the pilot program. Following expiration
10 of the term of a servicemember's enrollment in the pilot program,
11 the servicemember may reenroll for services under the pilot program
12 if the local mental health authority determines that the
13 servicemember continues to qualify for treatment for
14 post-traumatic stress disorder, traumatic brain injury, or other
15 trauma occurring in a military setting that impacts behavioral
16 health.

17 (d) A family member of an enrolled servicemember may receive
18 behavioral health services under the pilot program as described by
19 Section 1022.153.

20 Sec. 1022.153. BEHAVIORAL HEALTH SERVICES PILOT PROGRAMS.

21 (a) The department through contracts with the local mental health
22 authorities in El Paso and Bexar Counties shall establish pilot
23 programs to provide behavioral health services in accordance with
24 this section for eligible servicemembers under Section 1022.152.
25 The behavioral health services provided under this section may
26 include:

27 (1) crisis services; and

1 (2) behavioral health services.

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

5 (1) screening assessments;

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

7 (3) substance abuse early intervention and
8 detoxification services; and

9 (4) substance abuse medication-assisted treatment.

10 (c) The provision of services by the local mental health
11 authority under this section must be based on medical necessity
12 criteria established by department rule.

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

18 Sec. 1022.154. REPORT. Not later than December 1, 2010, the
19 department shall submit a report to the governor, lieutenant
20 governor, and speaker of the house of representatives that
21 includes:

22 (1) an analysis of the effectiveness of the pilot
23 program under this subchapter; and

24 (2) recommendations regarding continuation or
25 expansion of the pilot program.

26 Sec. 1022.155. EXPIRATION. This subchapter expires
27 September 1, 2011.

1 [Sections 1022.156-1022.200 reserved for expansion]

2 SUBCHAPTER E. BEHAVIORAL HEALTH OUTREACH

3 Sec. 1022.201. OUTREACH ACTIVITIES. (a) Through a public
4 outreach program, the department shall provide to servicemembers
5 and their families information on accessing services through the
6 Texas Information and Referral Network and through other
7 organizations participating in memoranda of understanding
8 maintained by the Texas military forces.

9 (b) The department's outreach activities must describe
10 programs administered by health and human services agencies that
11 could be of interest to servicemembers and their families,
12 including early childhood intervention services, state vocational
13 rehabilitation services, and higher education benefits and support
14 services.

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

16 (1) conducted on a statewide basis;

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

20 (3) staffed by individuals with demonstrated
21 experience in working with the military and military service
22 organizations.

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

1 (1) allows individuals to access comprehensive
2 information, advocacy resources, and other resources regarding
3 public and private behavioral health services, crisis and emergency
4 services, and early intervention and prevention programs; and

5 (2) enables the public and private health care
6 communities to work together to address the problems related to
7 obtaining access to behavioral health services and other
8 reintegration services for servicemembers and their families.

9 (e) The interactive Internet-based program established
10 under Subsection (d) shall be developed or maintained by the
11 department with the advice of and in consultation with the Texas
12 military forces. The department shall collaborate with state
13 agencies and the Texas military forces to develop strategies to use
14 existing interactive Internet-based resources that serve
15 servicemembers and their families.

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

18 Sec. 431.0186. SCREENING FOR TRAUMATIC BRAIN INJURY.

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

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

25 SECTION 4. Section 434.007, Government Code, is amended to
26 read as follows:

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

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

4 (2) collect information relating to services and
5 facilities available to veterans;

6 (3) cooperate with veterans service agencies in the
7 state;

8 (4) inform members and veterans of the armed forces,
9 their families and dependents, and military and civilian
10 authorities about the existence or availability of:

11 (A) educational training and retraining
12 facilities;

13 (B) health, medical, rehabilitation, and housing
14 services and facilities;

15 (C) employment and reemployment services;

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

19 (E) other similar, related, or appropriate
20 matters;

21 (5) assist veterans and their families and dependents
22 in presenting, proving, and establishing claims, privileges,
23 rights, and benefits they may have under federal, state, or local
24 law, including establishing eligibility for health care services
25 and treatments from the federal Veterans Health Administration and
26 for services provided through the Department of State Health
27 Services;

1 (6) cooperate with all government and private agencies
2 securing services or benefits to veterans and their families and
3 dependents;

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

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

10 (9) provide training and certification of veterans
11 county service officers and assistant veterans county service
12 officers in accordance with Section 434.038; and

13 (10) through surveys or other reasonable and accurate
14 methods of estimation, collect and maintain for each county in the
15 state the number of servicemembers and veterans residing in the
16 county and annually update and publish the information on the
17 commission's website.

18 (b) The commission shall enter into a memorandum of
19 understanding with the Department of State Health Services to
20 develop training materials for veterans county service officers and
21 veterans service organizations that promote the understanding and
22 effective treatment of trauma affecting behavioral health and other
23 health-related information that promotes the reintegration of
24 members and veterans of the armed forces into their communities,
25 families, and workplaces. The commission shall:

26 (1) disseminate training and educational materials
27 for the development of clinical practice guidelines and other

1 training and educational materials that it receives from the
2 department;

3 (2) enter into a contract or other agreement for the
4 development of the training and educational materials with the
5 department;

6 (3) reimburse the department for costs of preparing
7 the materials from appropriations or other amounts available to the
8 commission; and

9 (4) enter into relationships with established
10 training programs for the purpose of providing peer support
11 training and certification for veterans county service officers.

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

14 (a) The commission shall adopt procedures for administering
15 claims assistance services under Section 434.007(5). Claims
16 assistance services shall be provided for establishing eligibility
17 for health care services and treatments from the federal Veterans
18 Health Administration. The procedures shall include:

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

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

24 (A) is in immediate need;

25 (B) is terminally ill;

26 (C) has a verifiable financial hardship; or

27 (D) has a disability that presents an undue

1 burden;

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

4 (4) a process to ensure adequate documentation and
5 development of a claim or appeal, including early client
6 involvement, collection of needed evidence and records, and
7 analysis of actions necessary to pursue and support a claim or
8 appeal;

9 (5) criteria for evaluating whether a decision of the
10 United States Department of Veterans Affairs contains sufficient
11 cause for filing an appeal;

12 (6) a requirement that a claims counselor report to
13 the United States Department of Veterans Affairs if the counselor
14 has direct knowledge that a claim contains false or deceptive
15 information; and

16 (7) a procedure for prioritizing a claim, when
17 appropriate, or providing an alternative source for obtaining
18 claims assistance services when it is not appropriate to
19 prioritize.

20 SECTION 6. The Department of State Health Services shall
21 conduct an immediate analysis of the behavioral health needs of
22 servicemembers and their families and submit a preliminary report
23 of its findings and recommendations to the legislature and the
24 governor on or before December 1, 2009, and a final report of its
25 findings and recommendations on or before December 1, 2010. The
26 report shall:

27 (1) identify the gaps in behavioral health services

1 available to servicemembers and their families;

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

6 (3) evaluate collaboration among organizations and
7 entities that provide behavioral health services to servicemembers
8 and their families;

9 (4) make recommendations with respect to improving
10 outreach to servicemembers and their families in need of behavioral
11 health services;

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

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

20 (7) make recommendations with respect to improving the
21 coordination of behavioral health services for servicemembers and
22 their families.

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

27 SECTION 8. This Act does not make an appropriation. This

1 Act takes effect only if a specific appropriation for the
2 implementation of the Act is provided in a general appropriations
3 act of the 81st Legislature.

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