

## **BILL ANALYSIS**

C.S.S.B. 239  
By: Schwertner  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

With over two hundred Texas counties designated as mental health professional shortage areas or partial county mental health professional shortage areas, there is concern regarding the state's mental health access and workforce issues. Concerned parties assert that ensuring that individuals with mental illness and substance abuse disorders receive treatment when needed and in an appropriate clinical setting is key to preventing further breakdown of the state's mental health system and avoiding more costly and less appropriate stays in emergency rooms and county jails. C.S.S.B. 239 seeks to increase access to appropriate mental health care while expanding the mental health workforce in underserved areas.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

### **ANALYSIS**

C.S.S.B. 239 amends the Education Code to require the Texas Higher Education Coordinating Board, in accordance with the bill's provisions and coordinating board rules, to establish a student loan repayment assistance program for certain mental health professionals who apply and qualify for the assistance, if the legislature appropriates funds for that purpose. The bill defines "mental health professional" as a licensed physician who is a graduate of an accredited psychiatric residency training program or certified in psychiatry by the American Board of Psychiatry and Neurology or the American Osteopathic Board of Neurology and Psychiatry, a psychologist, a licensed professional counselor, an advanced practice registered nurse who holds a nationally recognized board certification in psychiatric or mental health nursing, and a licensed clinical social worker. The bill prescribes eligibility requirements for repayment assistance under the program, including having practiced for a certain period of time in a mental health professional shortage area and providing mental health services in Texas to Medicaid recipients, enrollees in the child health plan program, or persons committed to or confined in certain secure correctional facilities. The bill requires a licensed physician, in addition to satisfying those requirements, in order to be eligible to receive repayment assistance under the program after the physician's third consecutive year of practice in a mental health professional shortage area, to be certified in psychiatry by the American Board of Psychiatry and Neurology or the American Osteopathic Board of Neurology and Psychiatry.

C.S.S.B. 239 limits the duration of repayment assistance under the program for a mental health professional to not more than five years. The bill limits the number of repayment assistance

grants that may be awarded to mental health professionals providing mental health services to persons committed to or confined in certain secure correctional facilities to not more than 10 percent of the number of grants paid under the program each year and limits the number of grants that may be awarded to mental health professionals in any one of the eligible mental health professions to not more than 30 percent of the number of grants paid under the program each year.

C.S.S.B. 239 authorizes the coordinating board to provide repayment assistance under the program for the repayment of any student loan for education at an institution of higher education, a private or independent institution of higher education, or a public or private out-of-state institution of higher education accredited by a recognized accrediting agency, including loans for undergraduate education, received by an eligible person through any lender. The bill prohibits the coordinating board from providing repayment assistance for a student loan that is in default at the time of the person's application. The bill requires the coordinating board, in each state fiscal biennium, to attempt to allocate all funds appropriated to the coordinating board for the purpose of providing loan repayment assistance under the program.

C.S.S.B. 239 requires the coordinating board to deliver any repayment under the program in a lump sum payable to both the lender or other holder of the loan and the mental health professional or directly to the lender or other holder of the loan on the mental health professional's behalf. The bill authorizes a repayment under the program to be applied to any amount due in connection with the loan. The bill provides for the calculation of the amount of repayment assistance an eligible mental health professional may receive under the program for each year the mental health professional establishes eligibility for the assistance and establishes the maximum total amount of repayment assistance that may be received by each type of mental health professional under the program.

C.S.S.B. 239 caps the total amount of repayment assistance provided under the program at the sum of the total amount of gifts and grants accepted by the coordinating board for the repayment assistance, legislative appropriations for the repayment assistance, and other funds available to the coordinating board for the repayment assistance. The bill authorizes the coordinating board to adjust in an equitable manner the distribution amounts that eligible mental health professionals would otherwise receive for an eligible year as necessary to comply with that cap.

C.S.S.B. 239 requires the coordinating board, not later than December 1, 2015, to adopt rules necessary to administer the student loan repayment assistance program and requires the coordinating board to distribute to each institution of higher education or private or independent institution of higher education and to any appropriate state agency and professional association copies of the adopted rules and other pertinent information relating to the program. The bill authorizes the coordinating board to solicit and accept gifts and grants from any public or private source for the program.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 239 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### SENATE ENGROSSED

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 61, Education Code,

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is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. REPAYMENT OF CERTAIN MENTAL HEALTH PROFESSIONAL EDUCATION LOANS

Sec. 61.601. DEFINITION. In this subchapter, "mental health professional" means:

(1) a licensed physician who is:  
(A) a graduate of an accredited psychiatric residency training program; or  
(B) certified in psychiatry by the American Board of Psychiatry and Neurology;

(2) a psychologist, as defined by Section 501.002, Occupations Code;

(3) a licensed professional counselor, as defined by Section 503.002, Occupations Code;

(4) an advanced practice registered nurse, as defined by Section 301.152, Occupations Code, who holds a nationally recognized board certification in psychiatric or mental health nursing; and

(5) a licensed clinical social worker, as defined by Section 505.002, Occupations Code.

Sec. 61.602. REPAYMENT AUTHORIZED.

Sec. 61.603. ELIGIBILITY. (a) To be eligible to receive repayment assistance under this subchapter, a mental health professional must:

(1) apply to the board;  
(2) have completed one, two, three, four, or five consecutive years of practice in a mental health professional shortage area designated by the Department of State Health Services; and  
(3) provide mental health services in this state to:

(A) recipients under the medical assistance program authorized by Chapter 32, Human Resources Code;

(B) enrollees under the child health plan program authorized by Chapter 62, Health and Safety Code; or

(C) persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure

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(1) a licensed physician who is:  
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(ii) the American Osteopathic Board of Neurology and Psychiatry;

(2) a psychologist, as defined by Section 501.002, Occupations Code;

(3) a licensed professional counselor, as defined by Section 503.002, Occupations Code;

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(C) persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure

correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice.

(b) In addition to satisfying the requirements under Subsection (a), for a licensed physician to be eligible to receive repayment assistance under this subchapter after the physician's third consecutive year of practice described under Subsection (a)(2), the physician must be certified in psychiatry by the American Board of Psychiatry and Neurology.

Sec. 61.604. LIMITATIONS.

Sec. 61.605. ELIGIBLE LOANS.

Sec. 61.606. REPAYMENT.

Sec. 61.607. AMOUNT OF REPAYMENT ASSISTANCE.

Sec. 61.608. RULES.

Sec. 61.609. SOLICITATION AND ACCEPTANCE OF FUNDS.

SECTION 2. The Texas Higher Education Coordinating Board shall adopt the rules for repayment assistance under Subchapter K, Chapter 61, Education Code, as added by this Act, not later than December 1, 2015.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice.

(b) In addition to satisfying the requirements under Subsection (a), for a licensed physician to be eligible to receive repayment assistance under this subchapter after the physician's third consecutive year of practice described under Subsection (a)(2), the physician must be certified in psychiatry by:

(1) the American Board of Psychiatry and Neurology; or

(2) the American Osteopathic Board of Neurology and Psychiatry.

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SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.