

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 10
By: Thompson, Senfronia et al. (Kolkhorst)
Health & Human Services
5/13/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 10 seeks to address the growing issue of mental and behavioral health in the state through the creation of the Texas Mental and Behavioral Health Research Institute. The Institute will be administratively attached to the Texas Higher Education Coordinating Board, and will lead the charge on addressing child and adolescent behavioral health needs by funding extensive research and fostering statewide collaboration among Texas's health-related higher education institutions and other state entities. This model will enable Texas to be at the forefront of mental and behavioral health research. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 10 amends current law relating to the creation of the Texas Mental and Behavioral Health Research Institute.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive committee of the Texas Mental and Behavioral Health Research Institute (institute) in SECTION 1 (Section 113A.0151, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the oversight committee of the institute in SECTION 1 (Section 113A.0153, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle E, Title 2, Health and Safety Code, by adding Chapter 113A, as follows:

CHAPTER 113A. TEXAS MENTAL AND BEHAVIORAL HEALTH RESEARCH INSTITUTE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 113A.0001. DEFINITIONS. Defines "institute" to mean the Texas Mental and Behavioral Health Research Institute (institute), defines "executive committee" as the executive committee of the institute, and defines "oversight committee" as the oversight committee of the institute.

SUBCHAPTER B. INSTITUTE

Sec. 113A.0051. ESTABLISHMENT; PURPOSE. Provides that the institute is established to:

(1) leverage the expertise and capacity of the health-related institutions of higher education listed in Section 113A.0052 to address urgent mental health challenges and improve the mental health care system in this state;

(2) enhance the state's ability to address mental health care needs through collaboration of the health-related institutions of higher education listed in Section 113A.0052; and

(3) create best practices, leadership, and vision for addressing child and adolescent behavioral health needs and to provide funding for researching behavioral health issues.

Sec. 113A.0052. COMPOSITION. Provides that the institute is composed of certain specified health-related institutions of higher education and certain other entities.

Sec. 113A.0053. ADMINISTRATIVE ATTACHMENT. Provides that the institute is administratively attached to the Texas Higher Education Coordinating Board (THECB) and is funded solely by money appropriated to THECB for the purposes of the institute. Authorizes THECB to use up to three percent of the institute's funds, as approved by the executive committee established under Section 113A.0101, for the purpose of providing administrative support to the institute.

SUBCHAPTER C. EXECUTIVE COMMITTEE

Sec. 113A.0101. EXECUTIVE COMMITTEE; COMPOSITION. (a) Provides that the institute is governed by an executive committee composed of certain members.

(b) Authorizes the president of each of the health-related institutions of higher education listed in Section 113A.0052 to designate a representative to serve on the executive committee.

Sec. 113A.0102. VACANCY. Requires a vacancy on the executive committee to be filled in the same manner as the original appointment.

Sec. 113A.0103. PRESIDING OFFICER. Requires the executive committee to elect a presiding officer from among the membership of the executive committee.

Sec. 113A.0104. STATEWIDE BEHAVIORAL HEALTH COORDINATING COUNCIL. Requires the institute to designate a member of the executive committee to represent the institute on the statewide behavioral health coordinating council (council).

Sec. 113A.0105. GENERAL DUTIES. Requires the executive committee to:

- (1) coordinate the provision of funding to the health-related institutions of higher education listed in Section 113A.0052 to carry out the purposes of this chapter;
- (2) establish procedures and policies for the administration of funds under this chapter;
- (3) monitor funding and agreements entered into under this chapter to ensure recipients of funding comply with the terms and conditions of the funding and agreements; and
- (4) establish procedures to document compliance by executive committee members, oversight committee members, and staff with applicable laws governing conflicts of interest.

SUBCHAPTER D. MENTAL HEALTH AND SUBSTANCE ABUSE DISORDER RESEARCH

Sec. 113A.0151. POWERS AND DUTIES. (a) Requires the executive committee to coordinate with the council and other state entities to enhance mental health care and impact substance use disorder in this state through the health-related institutions of higher education listed in Section 113A.0052 by providing funding for certain efforts.

(b) Requires the executive committee to adopt rules as necessary to accomplish the purposes of Subsection (a).

Sec. 113A.0152. MENTAL HEALTH AND SUBSTANCE USE DISORDER RESEARCH PROGRAM. (a) Requires the executive committee to establish a mental health and substance use disorder research program to provide funding to the health-related institutions of higher education listed in Section 113A.0052 to:

(1) develop and implement a statewide research framework focused on preventing and treating mental health conditions and substance use disorders, including:

(A) depression;

(B) first episode psychosis;

(C) bipolar disorder and schizophrenia; and

(D) population health;

(2) collaborate with the Health and Human Services Commission, the Texas State Board of Pharmacy, and any other appropriate organization, agency, or professional board to complete comparative studies of prescribing practices for a mental health condition or substance use disorder outlines by the statewide research framework described by Subdivision (1);

(3) recruit mental health and substance use disorder researchers, other than researchers from a public, private, or independent institution of higher education in this state; and

(4) research or address any other mental health, substance use disorder, or addiction issue identified by the executive committee.

(b) Authorizes the executive committee to include in the statewide research framework developed under Subsection (a)(1) any area of mental health or substance use disorder research, including certain specified research.

(c) Requires the executive committee to establish a review process for the selection of research projects to fund under this section. Requires the process to provide for the evaluation of research projects based on their alignment with the statewide behavioral health strategic plan and the statewide research framework described by Subsection (a)(1).

(d) Requires the executive committee to make funding recommendations to the oversight committee on research projects to fund under this section.

(e) Authorizes a health-related institution of higher education listed in Section 113A.0052 to apply for funding under this section alone or in partnership with a state agency or other institution of higher education. Requires the institute to prioritize awarding funding under this section to an institution of higher education that applies in partnership with a state agency or other institution. Authorizes a institution of higher education, if the institution is awarded funding under this section, to partner with any necessary entity or person to carry out the purpose for which the funding was awarded.

(f) Provides that, notwithstanding any other law, this subchapter, including any action taken under this section to develop or disseminate information or materials, does not create a civil or administrative cause of action or a civil or criminal

liability and does not create a standard of care, obligation, or duty that provides the basis for a cause of action.

(g) Provides that data on or personally identifying information of a person obtained under this subchapter is confidential and not subject to disclosure.

Sec. 113A.0153. OVERSIGHT COMMITTEE. (a) Provides that the institute oversight committee is created to make final decisions on all research proposals recommended by the executive committee for funding. Requires the oversight committee to adopt reasonable rules and procedures to ensure that final decisions are made in an unbiased and objective manner. Requires the rules and procedures to require the oversight committee to approve funding for a research project unless the oversight committee determines that the project does not meet certain criteria.

(b) Sets forth the composition of the oversight committee and provides that the members possess expertise in mental and behavioral health issues.

(c) Requires a vacancy on the oversight committee to be filled in the same manner as the original appointment.

(d) Requires the oversight committee to elect a presiding officer from among the membership of the executive committee.

Sec. 113A.0154. CERTAIN RESEARCH PROHIBITED. Prohibits the executive committee from providing funding under this subchapter to an entity to conduct research that uses a hallucinogenic drug, an electroconvulsive therapy, a seizure-inducing therapy, or an electronic device to modify the mood, cognition, or behavior of children.

Sec 113A.0155. CONSENT REQUIRED FOR SERVICES TO MINOR. Prohibits a mental health evaluation, treatment, or service from being provided under this subchapter to a child younger than 18 years of age without first obtaining the informed, written consent of the child's parent or legal guardian.

Sec. 113A.0156. PRIVACY OF INFORMATION. Requires the institute to ensure that research and evaluations are conducted and services are provided under this subchapter in a manner that complies with state and federal privacy laws, including laws related to patient confidentiality.

Sec. 113A.0157. COLLABORATION WITH HISTORICALLY BLACK COLLEGE OR UNIVERSITY. Authorizes a health-related institution of higher education listed in Section 113A.0052 to contract with a historically black college or university in this state to collaborate with the institution in carrying out any part of this chapter.

SUBCHAPTER E. MISCELLANEOUS PROVISIONS

Sec. 113A.0201. BIENNIAL REPORT. Requires the institute, not later than December 1 of each even-numbered year, to prepare and submit to the governor, lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over behavioral health issues and post on its Internet website a written report that includes certain information.

Sec. 113A.0202. APPROPRIATION CONTINGENCY. Provides that the institute, executive committee, and oversight committee are required to implement a provision of this chapter only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, the institute, executive committee, and oversight committee, if the legislature does not appropriate money specifically for that purpose, to implement the provision using other money available to the institute for that purpose.

SECTION 2. Requires the appropriate appointing authority, as soon as practicable after the effective date of this Act, to make the appointments and designations to the institute as required by this Act.

SECTION 3. Provides that, if the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, providing for the dedication of certain sales and use tax revenue to the Texas mental and behavioral health research fund established to fund research, treatment, and substance use and addiction issues is approved by the voters, the institute established by Chapter 113A, Health and Safety Code, as added by this Act, is eligible to receive funding through the proceeds of revenue for any activities conducted by the institute that serve the purposes of that constitutional provision.

SECTION 4. Effective date: upon passage or September 1, 2019.