By:  Thompson of Harris, et al. H.B. No. 10

     (Senate Sponsor - Kolkhorst)

(In the Senate - Received from the House April 17, 2019; April 25, 2019, read first time and referred to Committee on Health & Human Services; May 13, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 0; May 13, 2019, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Buckingham        X

Campbell                    X

Flores            X

Johnson           X

Miles             X

Powell            X

Seliger           X

COMMITTEE SUBSTITUTE FOR H.B. No. 10 By:  Powell

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Mental and Behavioral Health Research Institute.

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

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

CHAPTER 113A. TEXAS MENTAL AND BEHAVIORAL HEALTH RESEARCH INSTITUTE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 113A.0001.  DEFINITIONS. In this chapter:

(1)  "Executive committee" means the executive committee of the institute.

(2)  "Institute" means the Texas Mental and Behavioral Health Research Institute.

(3)  "Oversight committee" means the oversight committee of the institute.

SUBCHAPTER B. INSTITUTE

Sec. 113A.0051.  ESTABLISHMENT; PURPOSE. The Texas Mental and Behavioral Health Research 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. The institute is composed of:

(1)  the following health-related institutions of higher education:

(A)  Baylor College of Medicine;

(B)  The Texas A&M University System Health Science Center;

(C)  Texas Tech University Health Sciences Center;

(D)  Texas Tech University Health Sciences Center at El Paso;

(E)  University of North Texas Health Science Center at Fort Worth;

(F)  the Dell Medical School at The University of Texas at Austin;

(G)  The University of Texas M.D. Anderson Cancer Center;

(H)  The University of Texas Medical Branch at Galveston;

(I)  The University of Texas Health Science Center at Houston;

(J)  The University of Texas Health Science Center at San Antonio;

(K)  The University of Texas Rio Grande Valley School of Medicine;

(L)  The University of Texas Health Science Center at Tyler; and

(M)  The University of Texas Southwestern Medical Center;

(2)  the commission;

(3)  the Texas Higher Education Coordinating Board;

(4)  three nonprofit organizations that focus on mental health care, designated by a majority of the members described by Subdivision (1); and

(5)  any other entity that the executive committee considers necessary.

Sec. 113A.0053.  ADMINISTRATIVE ATTACHMENT. The institute is administratively attached to the Texas Higher Education Coordinating Board and is funded solely by money appropriated to the coordinating board for the purposes of the institute. The coordinating board may 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) The institute is governed by an executive committee composed of the following members:

(1)  the chair of the academic department of psychiatry of each of the health-related institutions of higher education listed in Section 113A.0052 or a licensed psychiatrist, including a child-adolescent psychiatrist, designated by the chair to serve in the chair's place;

(2)  a representative of the commission with expertise in the delivery of mental health care services, appointed by the executive commissioner;

(3)  a representative of the commission with expertise in mental health facilities, appointed by the executive commissioner;

(4)  a representative of the Texas Higher Education Coordinating Board, appointed by the commissioner of the coordinating board;

(5)  a representative of each nonprofit organization described by Section 113A.0052 that is part of the institute, designated by a majority of the members described by Subdivision (1);

(6)  a representative of a hospital system in this state, designated by a majority of the members described by Subdivision (1); and

(7)  any other representative designated:

(A)  under Subsection (b); or

(B)  by a majority of the members described by Subdivision (1) at the request of the executive committee.

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

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

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

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

Sec. 113A.0105.  GENERAL DUTIES. The executive committee shall:

(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 USE DISORDER RESEARCH

Sec. 113A.0151.  POWERS AND DUTIES. (a) The executive committee shall coordinate with the statewide behavioral health coordinating 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:

(1)  research efforts conducted by a health-related institution of higher education;

(2)  the dissemination of best practice strategies by a health-related institution of higher education;

(3)  the recruitment of researchers and clinicians to a health-related institution of higher education;

(4)  the training of students, residents, and fellows in connection to a research effort conducted under this subchapter by a health-related institution of higher education, including education and training incidental to research to develop a workforce that specializes in psychiatric research, behavioral health, and clinical care; and

(5)  clinical trials, studies, or other patient programs of a health-related institution of higher education that are approved by an institutional review board.

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

Sec. 113A.0152.  MENTAL HEALTH AND SUBSTANCE USE DISORDER RESEARCH PROGRAM. (a) The executive committee shall 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 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 outlined 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)  The executive committee may include in the statewide research framework developed under Subsection (a)(1) any area of mental health or substance use disorder research, including research on:

(1)  the root causes or mechanistic processes of a mental health condition;

(2)  the impact of external forces on mental health and substance use disorders;

(3)  the impact of physical health on mental health and substance use disorders;

(4)  public health trends in mental health and substance use disorders;

(5)  new treatments associated with mental health and substance use disorders;

(6)  the utilization of psychotropic drugs on children;

(7)  medical interventions associated with mental health and substance use disorders;

(8)  non-pharmaceutical treatments associated with mental health and substance use disorders; and

(9)  co-occurring mental health conditions in individuals with an intellectual or developmental disability.

(c)  The executive committee shall establish a review process for the selection of research projects to fund under this section. The process must 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)  The executive committee shall make funding recommendations to the oversight committee on research projects to fund under this section.

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

(f)  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)  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) The Texas Mental and Behavioral Health Research Institute Oversight Committee is created to make final decisions on all research proposals recommended by the executive committee for funding. The oversight committee shall adopt reasonable rules and procedures to ensure that final decisions are made in an unbiased and objective manner. The rules and procedures must require the oversight committee to approve funding for a research project unless the oversight committee determines that the project:

(1)  has not been reviewed by the executive committee under Section 113A.0152(c); and

(2)  does not align with the statewide behavioral health strategic plan and the statewide research framework described by Section 113A.0152(a)(1).

(b)  The oversight committee is composed of 11 members with appropriate expertise in mental and behavioral health issues, appointed as follows:

(1)  three members appointed by the governor;

(2)  three members appointed by the lieutenant governor;

(3)  three members appointed by the speaker of the house of representatives;

(4)  one member appointed by the membership of the executive committee, who may be the presiding officer of the executive committee; and

(5)  one member who represents the statewide behavioral health coordinating council, appointed by the governor.

(c)  A vacancy on the oversight committee shall be filled in the same manner as the original appointment.

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

Sec. 113A.0154.  CERTAIN RESEARCH PROHIBITED. The executive committee may not provide 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. A mental health evaluation, treatment, or service may not be 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. The institute shall 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. A health-related institution of higher education listed in Section 113A.0052 may 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. Not later than December 1 of each even-numbered year, the institute shall prepare and submit to the governor, the 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:

(1)  that outlines:

(A)  the activities and objectives of the institute;

(B)  the health-related institutions of higher education listed in Section 113A.0052 that receive funding from the executive committee; and

(C)  any legislative recommendations based on the activities and objectives described by Paragraph (A); and

(2)  that includes:

(A)  the number of research proposals funded and the amount of funding awarded for each proposal for the reporting period;

(B)  information identifying each funding recipient for the reporting period;

(C)  a summary of the institute's administrative expenses;

(D)  an assessment of the availability of funding for mental health and substance use disorder research from sources other than the institute;

(E)  a summary of findings of research funded by the institute, including any promising new research areas;

(F)  an assessment of the relationship between the institute's funding and the overall strategy of its research program;

(G)  a statement of the institute's statewide research framework described by Section 113A.0152(a)(1); and

(H)  a list of any conflicts of interest under this chapter or rules adopted under this chapter that arose for the reporting period.

Sec. 113A.0202.  APPROPRIATION CONTINGENCY. 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. If the legislature does not appropriate money specifically for that purpose, the institute, executive committee, and oversight committee may, but are not required to, implement the provision using other money available to the institute for that purpose.

SECTION 2.  As soon as practicable after the effective date of this Act, the appropriate appointing authority shall make the appointments and designations to the Texas Mental and Behavioral Health Research Institute as required by this Act.

SECTION 3.  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 Texas Mental and Behavioral Health Research 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.  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, 2019.

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