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H.B. No. 10

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 104A to read as follows:

CHAPTER 104A. TEXAS MENTAL AND BEHAVIORAL HEALTH RESEARCH INSTITUTE

Sec. 104A.001. DEFINITION. In this chapter, "institute"
means the Texas Mental and Behavioral Health Research Institute.

Sec. 104A.002. ESTABLISHMENT; PURPOSE. The institute is
established to create best practices, leadership, and vision for
addressing child and adolescent behavioral health needs and to
provide funding for researching behavioral health issues.

Sec. 104A.003. COMPOSITION OF INSTITUTE. (a) The
institute is composed of the following members:

(1) three representatives of nonprofit organizations
in this state that focus on mental health care, one appointed by the
governor, one appointed by the lieutenant governor, and one
appointed by the speaker of the house of representatives;

(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

1 commissioner;

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

5 (5) the chair of the academic department of psychiatry
6 from each of the following health-related institutions of higher
7 education or a licensed psychiatrist, including a child-adolescent
8 psychiatrist, designated to serve by the chair in the chair's
9 place:

10 (A) The University of Texas Health Science Center
11 at Houston;

12 (B) The University of Texas Health Science Center
13 at San Antonio;

14 (C) The University of Texas Southwestern Medical
15 Center;

16 (D) The University of Texas Medical Branch at
17 Galveston;

18 (E) The University of Texas M. D. Anderson Cancer
19 Center;

20 (F) The University of Texas Health Science Center
21 at Tyler;

22 (G) The Texas A&M University Health Science
23 Center;

24 (H) the University of North Texas Health Science
25 Center at Fort Worth;

26 (I) the Texas Tech University Health Sciences
27 Center;

1 (J) the Texas Tech University Health Sciences
2 Center at El Paso;

3 (K) the Dell Medical School and schools of
4 nursing and pharmacy at The University of Texas at Austin;

5 (L) The University of Texas Rio Grande Valley
6 School of Medicine and schools of nursing and pharmacy; and

7 (M) Baylor College of Medicine.

8 (b) Service on the institute by a public officer or employee
9 is an additional duty of the office or employment.

10 (c) The institute shall elect a presiding member from among
11 its membership.

12 (d) The members of the institute shall designate a member to
13 represent the institute on the statewide behavioral health
14 coordinating council.

15 (e) A vacancy in the membership of the institute shall be
16 filled in same manner as the original appointment.

17 (f) The institute shall establish a schedule of regular
18 meetings.

19 Sec. 104A.004. ADMINISTRATIVE ATTACHMENT. The institute is
20 administratively attached to the Texas Higher Education
21 Coordinating Board. Except as provided by Section 104A.008, the
22 institute is funded solely by money appropriated to the
23 coordinating board for the purposes of the institute. The
24 coordinating board may use up to three percent of the institute's
25 funds, as approved by the executive committee established under
26 Section 104A.007, for the purpose of providing administrative
27 support to the institute.

1 Sec. 104A.005. POWERS AND DUTIES. (a) The institute shall
2 coordinate with the statewide behavioral health coordinating
3 council and work with relevant state agencies, consortiums,
4 councils, cooperatives, collaborations, boards, centers, and other
5 state entities to enhance mental health care and impact substance
6 use disorder in this state through the health-related institutions
7 of higher education listed in Section 104A.003(a)(5) by providing
8 funding for:

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

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

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

15 (4) the training of students, residents, and fellows
16 in connection to a research effort conducted under this chapter by a
17 health-related institution of higher education; and

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

21 (b) The institute shall adopt rules as necessary to
22 accomplish the purposes of Subsection (a).

23 Sec. 104A.006. MENTAL HEALTH, BEHAVIORAL HEALTH, AND
24 SUBSTANCE USE DISORDER RESEARCH PROGRAM. (a) The institute shall
25 establish a mental health, behavioral health, and substance use
26 disorder research program to provide funding to the health-related
27 institutions of higher education listed in Section 104A.003(a)(5)

1 to:

2 (1) implement a statewide research framework focused
3 on preventing, identifying, and treating mental health conditions,
4 including:

5 (A) depression;

6 (B) first episode psychosis;

7 (C) substance use disorder;

8 (D) bipolar disorder and schizophrenia; and

9 (E) population health;

10 (2) support research efforts regarding mental and
11 behavioral health issues, including research related to:

12 (A) physical, structural, chemical, electrical,
13 or genetic causes of behavioral health issues;

14 (B) external factors that may result in
15 behavioral health issues;

16 (C) physical or other health issues that may
17 affect behavioral health;

18 (D) public health trends and strategies related
19 to behavioral health;

20 (E) new treatments, therapies, pharmaceuticals,
21 medical interventions, or other solutions for addressing
22 behavioral health issues;

23 (F) child-adolescent psychiatry; and

24 (G) co-occurring mental and behavioral health
25 issues in children with an intellectual or developmental
26 disability;

27 (3) in connection to the research efforts conducted

1 under Subdivision (2), administer training to develop a workforce
2 that specializes in psychiatric research and clinical care;

3 (4) research, develop, test, and disseminate best
4 practices for prescribing opioid drugs;

5 (5) teach the best practices for prescribing opioid
6 drugs described by Subdivision (4) at the health-related
7 institutions of higher education and at any continuing or community
8 education courses provided by the institution;

9 (6) conduct substance use disorder research related to
10 identifying:

11 (A) addiction recovery methods that use new
12 substance use disorder treatment strategies, therapies, drugs, or
13 telemedicine medical services;

14 (B) barriers to the accessibility of
15 evidence-based medical treatments for substance use disorder;

16 (C) strategies and new treatment methods to
17 reduce the effects of opioid drugs and other controlled substances
18 on maternal mortality and morbidity rates in this state;

19 (D) prevention techniques, policies, and
20 outreach methods to reduce the use of opioid drugs and other
21 controlled substances;

22 (E) better pain management strategies for
23 persons recovering from a substance use disorder;

24 (F) ways to obtain better data related to
25 substance use disorder and ways to achieve the interoperability of
26 various sources of that data;

27 (G) the most recent pharmacogenetic strategies;

1 (H) the genetic determinants of addiction; and

2 (I) whether risk factors for addiction can be
3 determined or mitigated;

4 (7) in connection to the research conducted under
5 Subdivision (6), administer training to develop a workforce that
6 specializes in psychiatric research and clinical care;

7 (8) research and test new substance use disorder
8 treatment approaches;

9 (9) collaborate with the commission, the Texas State
10 Board of Pharmacy, and any other appropriate organization, agency,
11 or professional board to complete comparative studies of
12 prescribing practices for opioid drugs in this state;

13 (10) recruit mental health, behavioral health, and
14 substance use disorder researchers, other than researchers from a
15 public, private, or independent institution of higher education in
16 this state; and

17 (11) research or address any other mental health,
18 behavioral health, substance use disorder, or addiction issue
19 identified by the institute.

20 (b) A health-related institution of higher education listed
21 in Section 104A.003(a)(5) may apply for funding under this section
22 alone or in partnership with a state agency or other institution of
23 higher education. The institute may prioritize awarding funding
24 under this section to an institution of higher education that
25 applies in partnership with a state agency or other institution. If
26 an institution of higher education is awarded funding under this
27 section, the institution may partner with any necessary entity or

1 person to carry out the purpose for which the funding was awarded.

2 (c) The institute shall establish a process for the
3 selection of research projects to fund under this section. The
4 process must provide for the evaluation of research projects based
5 on their alignment with the statewide behavioral health strategic
6 plan or whether they address key issues identified by the
7 institute.

8 (d) Notwithstanding any other law, this section, including
9 any action taken under this section to develop or disseminate
10 information or materials, does not create a civil or administrative
11 cause of action or a civil or criminal liability and does not create
12 a standard of care, obligation, or duty that provides the basis for
13 a cause of action.

14 (e) Data on or personally identifying information of a
15 person obtained under this chapter is confidential and not subject
16 to disclosure.

17 Sec. 104A.007. EXECUTIVE COMMITTEE. (a) The Texas Mental
18 and Behavioral Health Research Institute Executive Committee is
19 created to make final decisions on all research proposals
20 recommended by the institute for funding. The executive committee
21 shall adopt reasonable rules and procedures to ensure that final
22 decisions are made in an unbiased and objective manner.

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

26 (1) three members appointed by the governor;

27 (2) three members appointed by the lieutenant

1 governor;

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

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

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

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

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

12 Sec. 104A.008. SOLICITATION OF RESOURCES. (a) The
13 institute shall solicit federal funding for mental and behavioral
14 research and other functions of the institute.

15 (b) The institute may solicit and accept gifts, grants, and
16 donations from any source for the purpose of carrying out this
17 chapter.

18 Sec. 104A.0083. CERTAIN RESEARCH PROHIBITED. The institute
19 may not conduct or provide funding to an entity to conduct research
20 that uses a hallucinogenic drug, an electroconvulsive therapy, a
21 seizure inducing therapy, or an electronic device to modify the
22 mood, cognition, or behavior of children.

23 Sec. 104A.0085. DISCLOSURE OF CERTAIN SOURCES OF FUNDING.
24 The institute shall ensure that each private source of funding used
25 to conduct research under this chapter is disclosed to the public in
26 any public communication the content of which is based on the
27 results of the research.

1 Sec. 104A.0086. CONSENT REQUIRED FOR SERVICES TO MINOR. A
2 mental health evaluation, treatment, or service may not be provided
3 under this chapter to a child younger than 17 years of age without
4 first obtaining the informed, written consent of the child's parent
5 or legal guardian.

6 Sec. 104A.0087. PRIVACY OF INFORMATION. The institute
7 shall ensure that research and evaluations are conducted and
8 services are provided under this chapter in a manner that complies
9 with state and federal privacy laws, including laws related to
10 patient confidentiality.

11 Sec. 104A.0088. CONFLICT WITH OTHER LAW. To the extent of
12 any conflict between this chapter and other law, this chapter
13 controls.

14 Sec. 104A.009. WEBSITE. The Texas Higher Education
15 Coordinating Board shall assist the institute in creating an
16 Internet website for the institute.

17 Sec. 104A.010. COLLABORATION WITH HISTORICALLY BLACK
18 COLLEGE OR UNIVERSITY. A health-related institution of higher
19 education listed in Section 104A.003(a)(5) may contract with a
20 historically black college or university in this state to
21 collaborate with the institution in carrying out any part of this
22 chapter.

23 Sec. 104A.011. REPORT. Not later than December 1 of each
24 even-numbered year, the institute shall prepare and submit to the
25 governor and the Legislative Budget Board and post on the
26 institute's Internet website a biennial report on the institute's
27 activities and legislative recommendations based on those

1 activities.

2 Sec. 104A.012. APPROPRIATION CONTINGENCY. The institute is
3 required to implement a provision of this chapter only if the
4 legislature appropriates money specifically for that purpose. If
5 the legislature does not appropriate money specifically for that
6 purpose, the institute may, but is not required to, implement the
7 provision using other money available to the institute for that
8 purpose.

9 SECTION 2. Not later than December 1, 2019, the appropriate
10 appointing authority shall appoint members to the Texas Mental and
11 Behavioral Health Research Institute in accordance with Section
12 104A.003, Health and Safety Code, as added by this Act.

13 SECTION 3. If the constitutional amendment proposed by the
14 86th Legislature, Regular Session, 2019, providing for the
15 dedication of certain sales and use tax revenue to the Texas mental
16 and behavioral health research fund established to fund research,
17 treatment, and substance use and addiction issues is approved by
18 the voters, the Texas Mental and Behavioral Health Research
19 Institute established by Chapter 104A, Health and Safety Code, as
20 added by this Act, is eligible to receive funding through the
21 proceeds of bonds issued under the authority of Section 68, Article
22 III, Texas Constitution, for any activities conducted by the
23 institute that serve the purposes of that constitutional provision.

24 SECTION 4. To the extent of any conflict, this Act prevails
25 over another Act of the 86th Legislature, Regular Session, 2019,
26 relating to nonsubstantive additions to and corrections in enacted
27 codes.

1 SECTION 5. If S.B. 10, Acts of the 86th Legislature, Regular
2 Session, 2019, creating the Texas Mental Health Care Consortium, or
3 similar legislation creating a comparable entity, becomes law, the
4 Texas Mental and Behavioral Health Research Institute established
5 by Chapter 104A, Health and Safety Code, as added by this Act,
6 shall, to the greatest extent possible, coordinate with the Texas
7 Mental Health Care Consortium or comparable entity in conducting
8 meetings and carrying out the purposes of each entity.

9 SECTION 6. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2019.