

1-1 By: Thompson of Harris, et al. H.B. No. 10  
 1-2 (Senate Sponsor - Kolkhorst)  
 1-3 (In the Senate - Received from the House April 17, 2019;  
 1-4 April 25, 2019, read first time and referred to Committee on Health  
 1-5 & Human Services; May 13, 2019, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 8, Nays 0;  
 1-7 May 13, 2019, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 10 By: Powell

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to the creation of the Texas Mental and Behavioral Health  
 1-23 Research Institute.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subtitle E, Title 2, Health and Safety Code, is  
 1-26 amended by adding Chapter 113A to read as follows:

1-27 CHAPTER 113A. TEXAS MENTAL AND BEHAVIORAL HEALTH RESEARCH  
 1-28 INSTITUTE

1-29 SUBCHAPTER A. GENERAL PROVISIONS

1-30 Sec. 113A.0001. DEFINITIONS. In this chapter:

1-31 (1) "Executive committee" means the executive  
 1-32 committee of the institute.

1-33 (2) "Institute" means the Texas Mental and Behavioral  
 1-34 Health Research Institute.

1-35 (3) "Oversight committee" means the oversight  
 1-36 committee of the institute.

1-37 SUBCHAPTER B. INSTITUTE

1-38 Sec. 113A.0051. ESTABLISHMENT; PURPOSE. The Texas Mental  
 1-39 and Behavioral Health Research Institute is established to:

1-40 (1) leverage the expertise and capacity of the  
 1-41 health-related institutions of higher education listed in Section  
 1-42 113A.0052 to address urgent mental health challenges and improve  
 1-43 the mental health care system in this state;

1-44 (2) enhance the state's ability to address mental  
 1-45 health care needs through collaboration of the health-related  
 1-46 institutions of higher education listed in Section 113A.0052; and

1-47 (3) create best practices, leadership, and vision for  
 1-48 addressing child and adolescent behavioral health needs and to  
 1-49 provide funding for researching behavioral health issues.

1-50 Sec. 113A.0052. COMPOSITION. The institute is composed of:

1-51 (1) the following health-related institutions of  
 1-52 higher education:

1-53 (A) Baylor College of Medicine;

1-54 (B) The Texas A&M University System Health  
 1-55 Science Center;

1-56 (C) Texas Tech University Health Sciences  
 1-57 Center;

1-58 (D) Texas Tech University Health Sciences Center

1-59 at El Paso;

1-60 (E) University of North Texas Health Science

2-1 Center at Fort Worth;  
 2-2 (F) the Dell Medical School at The University of  
 2-3 Texas at Austin;  
 2-4 (G) The University of Texas M.D. Anderson Cancer  
 2-5 Center;  
 2-6 (H) The University of Texas Medical Branch at  
 2-7 Galveston;  
 2-8 (I) The University of Texas Health Science Center  
 2-9 at Houston;  
 2-10 (J) The University of Texas Health Science Center  
 2-11 at San Antonio;  
 2-12 (K) The University of Texas Rio Grande Valley  
 2-13 School of Medicine;  
 2-14 (L) The University of Texas Health Science Center  
 2-15 at Tyler; and  
 2-16 (M) The University of Texas Southwestern Medical  
 2-17 Center;  
 2-18 (2) the commission;  
 2-19 (3) the Texas Higher Education Coordinating Board;  
 2-20 (4) three nonprofit organizations that focus on mental  
 2-21 health care, designated by a majority of the members described by  
 2-22 Subdivision (1); and  
 2-23 (5) any other entity that the executive committee  
 2-24 considers necessary.  
 2-25 Sec. 113A.0053. ADMINISTRATIVE ATTACHMENT. The institute  
 2-26 is administratively attached to the Texas Higher Education  
 2-27 Coordinating Board and is funded solely by money appropriated to  
 2-28 the coordinating board for the purposes of the institute. The  
 2-29 coordinating board may use up to three percent of the institute's  
 2-30 funds, as approved by the executive committee established under  
 2-31 Section 113A.0101, for the purpose of providing administrative  
 2-32 support to the institute.  
 2-33 SUBCHAPTER C. EXECUTIVE COMMITTEE  
 2-34 Sec. 113A.0101. EXECUTIVE COMMITTEE; COMPOSITION. (a) The  
 2-35 institute is governed by an executive committee composed of the  
 2-36 following members:  
 2-37 (1) the chair of the academic department of psychiatry  
 2-38 of each of the health-related institutions of higher education  
 2-39 listed in Section 113A.0052 or a licensed psychiatrist, including a  
 2-40 child-adolescent psychiatrist, designated by the chair to serve in  
 2-41 the chair's place;  
 2-42 (2) a representative of the commission with expertise  
 2-43 in the delivery of mental health care services, appointed by the  
 2-44 executive commissioner;  
 2-45 (3) a representative of the commission with expertise  
 2-46 in mental health facilities, appointed by the executive  
 2-47 commissioner;  
 2-48 (4) a representative of the Texas Higher Education  
 2-49 Coordinating Board, appointed by the commissioner of the  
 2-50 coordinating board;  
 2-51 (5) a representative of each nonprofit organization  
 2-52 described by Section 113A.0052 that is part of the institute,  
 2-53 designated by a majority of the members described by Subdivision  
 2-54 (1);  
 2-55 (6) a representative of a hospital system in this  
 2-56 state, designated by a majority of the members described by  
 2-57 Subdivision (1); and  
 2-58 (7) any other representative designated:  
 2-59 (A) under Subsection (b); or  
 2-60 (B) by a majority of the members described by  
 2-61 Subdivision (1) at the request of the executive committee.  
 2-62 (b) The president of each of the health-related  
 2-63 institutions of higher education listed in Section 113A.0052 may  
 2-64 designate a representative to serve on the executive committee.  
 2-65 Sec. 113A.0102. VACANCY. A vacancy on the executive  
 2-66 committee shall be filled in the same manner as the original  
 2-67 appointment.  
 2-68 Sec. 113A.0103. PRESIDING OFFICER. The executive committee  
 2-69 shall elect a presiding officer from among the membership of the

3-1 executive committee.

3-2 Sec. 113A.0104. STATEWIDE BEHAVIORAL HEALTH COORDINATING  
 3-3 COUNCIL. The institute shall designate a member of the executive  
 3-4 committee to represent the institute on the statewide behavioral  
 3-5 health coordinating council.

3-6 Sec. 113A.0105. GENERAL DUTIES. The executive committee  
 3-7 shall:

3-8 (1) coordinate the provision of funding to the  
 3-9 health-related institutions of higher education listed in Section  
 3-10 113A.0052 to carry out the purposes of this chapter;

3-11 (2) establish procedures and policies for the  
 3-12 administration of funds under this chapter;

3-13 (3) monitor funding and agreements entered into under  
 3-14 this chapter to ensure recipients of funding comply with the terms  
 3-15 and conditions of the funding and agreements; and

3-16 (4) establish procedures to document compliance by  
 3-17 executive committee members, oversight committee members, and  
 3-18 staff with applicable laws governing conflicts of interest.

3-19 SUBCHAPTER D. MENTAL HEALTH AND SUBSTANCE USE DISORDER RESEARCH

3-20 Sec. 113A.0151. POWERS AND DUTIES. (a) The executive  
 3-21 committee shall coordinate with the statewide behavioral health  
 3-22 coordinating council and other state entities to enhance mental  
 3-23 health care and impact substance use disorder in this state through  
 3-24 the health-related institutions of higher education listed in  
 3-25 Section 113A.0052 by providing funding for:

3-26 (1) research efforts conducted by a health-related  
 3-27 institution of higher education;

3-28 (2) the dissemination of best practice strategies by a  
 3-29 health-related institution of higher education;

3-30 (3) the recruitment of researchers and clinicians to a  
 3-31 health-related institution of higher education;

3-32 (4) the training of students, residents, and fellows  
 3-33 in connection to a research effort conducted under this subchapter  
 3-34 by a health-related institution of higher education, including  
 3-35 education and training incidental to research to develop a  
 3-36 workforce that specializes in psychiatric research, behavioral  
 3-37 health, and clinical care; and

3-38 (5) clinical trials, studies, or other patient  
 3-39 programs of a health-related institution of higher education that  
 3-40 are approved by an institutional review board.

3-41 (b) The executive committee shall adopt rules as necessary  
 3-42 to accomplish the purposes of Subsection (a).

3-43 Sec. 113A.0152. MENTAL HEALTH AND SUBSTANCE USE DISORDER  
 3-44 RESEARCH PROGRAM. (a) The executive committee shall establish a  
 3-45 mental health and substance use disorder research program to  
 3-46 provide funding to the health-related institutions of higher  
 3-47 education listed in Section 113A.0052 to:

3-48 (1) develop and implement a statewide research  
 3-49 framework focused on preventing and treating mental health  
 3-50 conditions and substance use disorders, including:

3-51 (A) depression;

3-52 (B) first episode psychosis;

3-53 (C) bipolar disorder and schizophrenia; and

3-54 (D) population health;

3-55 (2) collaborate with the commission, the Texas State  
 3-56 Board of Pharmacy, and any other appropriate organization, agency,  
 3-57 or professional board to complete comparative studies of  
 3-58 prescribing practices for a mental health condition or substance  
 3-59 use disorder outlined by the statewide research framework described  
 3-60 by Subdivision (1);

3-61 (3) recruit mental health and substance use disorder  
 3-62 researchers, other than researchers from a public, private, or  
 3-63 independent institution of higher education in this state; and

3-64 (4) research or address any other mental health,  
 3-65 substance use disorder, or addiction issue identified by the  
 3-66 executive committee.

3-67 (b) The executive committee may include in the statewide  
 3-68 research framework developed under Subsection (a)(1) any area of  
 3-69 mental health or substance use disorder research, including

4-1 research on:  
4-2 (1) the root causes or mechanistic processes of a  
4-3 mental health condition;  
4-4 (2) the impact of external forces on mental health and  
4-5 substance use disorders;  
4-6 (3) the impact of physical health on mental health and  
4-7 substance use disorders;  
4-8 (4) public health trends in mental health and  
4-9 substance use disorders;  
4-10 (5) new treatments associated with mental health and  
4-11 substance use disorders;  
4-12 (6) the utilization of psychotropic drugs on children;  
4-13 (7) medical interventions associated with mental  
4-14 health and substance use disorders;  
4-15 (8) non-pharmaceutical treatments associated with  
4-16 mental health and substance use disorders; and  
4-17 (9) co-occurring mental health conditions in  
4-18 individuals with an intellectual or developmental disability.  
4-19 (c) The executive committee shall establish a review  
4-20 process for the selection of research projects to fund under this  
4-21 section. The process must provide for the evaluation of research  
4-22 projects based on their alignment with the statewide behavioral  
4-23 health strategic plan and the statewide research framework  
4-24 described by Subsection (a)(1).  
4-25 (d) The executive committee shall make funding  
4-26 recommendations to the oversight committee on research projects to  
4-27 fund under this section.  
4-28 (e) A health-related institution of higher education listed  
4-29 in Section 113A.0052 may apply for funding under this section alone  
4-30 or in partnership with a state agency or other institution of higher  
4-31 education. The institute shall prioritize awarding funding under  
4-32 this section to an institution of higher education that applies in  
4-33 partnership with a state agency or other institution. If an  
4-34 institution of higher education is awarded funding under this  
4-35 section, the institution may partner with any necessary entity or  
4-36 person to carry out the purpose for which the funding was awarded.  
4-37 (f) Notwithstanding any other law, this subchapter,  
4-38 including any action taken under this section to develop or  
4-39 disseminate information or materials, does not create a civil or  
4-40 administrative cause of action or a civil or criminal liability and  
4-41 does not create a standard of care, obligation, or duty that  
4-42 provides the basis for a cause of action.  
4-43 (g) Data on or personally identifying information of a  
4-44 person obtained under this subchapter is confidential and not  
4-45 subject to disclosure.  
4-46 Sec. 113A.0153. OVERSIGHT COMMITTEE. (a) The Texas Mental  
4-47 and Behavioral Health Research Institute Oversight Committee is  
4-48 created to make final decisions on all research proposals  
4-49 recommended by the executive committee for funding. The oversight  
4-50 committee shall adopt reasonable rules and procedures to ensure  
4-51 that final decisions are made in an unbiased and objective manner.  
4-52 The rules and procedures must require the oversight committee to  
4-53 approve funding for a research project unless the oversight  
4-54 committee determines that the project:  
4-55 (1) has not been reviewed by the executive committee  
4-56 under Section 113A.0152(c); and  
4-57 (2) does not align with the statewide behavioral  
4-58 health strategic plan and the statewide research framework  
4-59 described by Section 113A.0152(a)(1).  
4-60 (b) The oversight committee is composed of 11 members with  
4-61 appropriate expertise in mental and behavioral health issues,  
4-62 appointed as follows:  
4-63 (1) three members appointed by the governor;  
4-64 (2) three members appointed by the lieutenant  
4-65 governor;  
4-66 (3) three members appointed by the speaker of the  
4-67 house of representatives;  
4-68 (4) one member appointed by the membership of the  
4-69 executive committee, who may be the presiding officer of the

5-1 executive committee; and

5-2 (5) one member who represents the statewide behavioral  
5-3 health coordinating council, appointed by the governor.

5-4 (c) A vacancy on the oversight committee shall be filled in  
5-5 the same manner as the original appointment.

5-6 (d) The oversight committee shall elect a presiding officer  
5-7 from among the membership of the executive committee.

5-8 Sec. 113A.0154. CERTAIN RESEARCH PROHIBITED. The executive  
5-9 committee may not provide funding under this subchapter to an  
5-10 entity to conduct research that uses a hallucinogenic drug, an  
5-11 electroconvulsive therapy, a seizure-inducing therapy, or an  
5-12 electronic device to modify the mood, cognition, or behavior of  
5-13 children.

5-14 Sec. 113A.0155. CONSENT REQUIRED FOR SERVICES TO MINOR. A  
5-15 mental health evaluation, treatment, or service may not be provided  
5-16 under this subchapter to a child younger than 18 years of age  
5-17 without first obtaining the informed, written consent of the  
5-18 child's parent or legal guardian.

5-19 Sec. 113A.0156. PRIVACY OF INFORMATION. The institute  
5-20 shall ensure that research and evaluations are conducted and  
5-21 services are provided under this subchapter in a manner that  
5-22 complies with state and federal privacy laws, including laws  
5-23 related to patient confidentiality.

5-24 Sec. 113A.0157. COLLABORATION WITH HISTORICALLY BLACK  
5-25 COLLEGE OR UNIVERSITY. A health-related institution of higher  
5-26 education listed in Section 113A.0052 may contract with a  
5-27 historically black college or university in this state to  
5-28 collaborate with the institution in carrying out any part of this  
5-29 chapter.

#### 5-30 SUBCHAPTER E. MISCELLANEOUS PROVISIONS

5-31 Sec. 113A.0201. BIENNIAL REPORT. Not later than December 1  
5-32 of each even-numbered year, the institute shall prepare and submit  
5-33 to the governor, the lieutenant governor, the speaker of the house  
5-34 of representatives, and the standing committee of each house of the  
5-35 legislature with primary jurisdiction over behavioral health  
5-36 issues and post on its Internet website a written report:

5-37 (1) that outlines:

5-38 (A) the activities and objectives of the  
5-39 institute;

5-40 (B) the health-related institutions of higher  
5-41 education listed in Section 113A.0052 that receive funding from the  
5-42 executive committee; and

5-43 (C) any legislative recommendations based on the  
5-44 activities and objectives described by Paragraph (A); and

5-45 (2) that includes:

5-46 (A) the number of research proposals funded and  
5-47 the amount of funding awarded for each proposal for the reporting  
5-48 period;

5-49 (B) information identifying each funding  
5-50 recipient for the reporting period;

5-51 (C) a summary of the institute's administrative  
5-52 expenses;

5-53 (D) an assessment of the availability of funding  
5-54 for mental health and substance use disorder research from sources  
5-55 other than the institute;

5-56 (E) a summary of findings of research funded by  
5-57 the institute, including any promising new research areas;

5-58 (F) an assessment of the relationship between the  
5-59 institute's funding and the overall strategy of its research  
5-60 program;

5-61 (G) a statement of the institute's statewide  
5-62 research framework described by Section 113A.0152(a)(1); and

5-63 (H) a list of any conflicts of interest under  
5-64 this chapter or rules adopted under this chapter that arose for the  
5-65 reporting period.

5-66 Sec. 113A.0202. APPROPRIATION CONTINGENCY. The institute,  
5-67 executive committee, and oversight committee are required to  
5-68 implement a provision of this chapter only if the legislature  
5-69 appropriates money specifically for that purpose. If the

6-1 legislature does not appropriate money specifically for that  
6-2 purpose, the institute, executive committee, and oversight  
6-3 committee may, but are not required to, implement the provision  
6-4 using other money available to the institute for that purpose.

6-5 SECTION 2. As soon as practicable after the effective date  
6-6 of this Act, the appropriate appointing authority shall make the  
6-7 appointments and designations to the Texas Mental and Behavioral  
6-8 Health Research Institute as required by this Act.

6-9 SECTION 3. If the constitutional amendment proposed by the  
6-10 86th Legislature, Regular Session, 2019, providing for the  
6-11 dedication of certain sales and use tax revenue to the Texas mental  
6-12 and behavioral health research fund established to fund research,  
6-13 treatment, and substance use and addiction issues is approved by  
6-14 the voters, the Texas Mental and Behavioral Health Research  
6-15 Institute established by Chapter 113A, Health and Safety Code, as  
6-16 added by this Act, is eligible to receive funding through the  
6-17 proceeds of revenue for any activities conducted by the institute  
6-18 that serve the purposes of that constitutional provision.

6-19 SECTION 4. This Act takes effect immediately if it receives  
6-20 a vote of two-thirds of all the members elected to each house, as  
6-21 provided by Section 39, Article III, Texas Constitution. If this  
6-22 Act does not receive the vote necessary for immediate effect, this  
6-23 Act takes effect September 1, 2019.

6-24

\* \* \* \* \*