

By: Nelson, et al. S.B. No. 10
(Zerwas, Price, Button, Allison, Coleman, et al.)

Substitute the following for S.B. No. 10:

By: Thompson of Harris C.S.S.B. No. 10

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Texas Mental Health Care
3 Consortium.

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

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

7 CHAPTER 113. TEXAS MENTAL HEALTH CARE CONSORTIUM

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 113.0001. DEFINITIONS. In this chapter:

10 (1) "Community mental health provider" means an entity
11 that provides mental health care services at a local level.

12 (2) "Consortium" means the Texas Mental Health Care
13 Consortium.

14 (3) "Executive committee" means the executive
15 committee of the consortium.

16 SUBCHAPTER B. CONSORTIUM

17 Sec. 113.0051. ESTABLISHMENT; PURPOSE. The Texas Mental
18 Health Care Consortium is established to:

19 (1) leverage the expertise and capacity of the
20 health-related institutions of higher education listed in Section
21 113.0052 to address urgent mental health challenges and improve the
22 mental health care system in this state; and

23 (2) enhance the state's ability to address mental
24 health care needs through collaboration of the health-related

1 institutions of higher education listed in Section 113.0052.

2 Sec. 113.0052. COMPOSITION. The consortium is composed of:

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

5 (A) Baylor College of Medicine;

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

8 (C) Texas Tech University Health Sciences
9 Center;

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

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

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

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

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

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

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

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

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

1 (M) The University of Texas Southwestern Medical
2 Center;

3 (2) the commission;

4 (3) the Texas Higher Education Coordinating Board;

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

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

10 Sec. 113.0053. ADMINISTRATIVE ATTACHMENT. The consortium
11 is administratively attached to the Texas Higher Education
12 Coordinating Board for the purpose of receiving and administering
13 appropriations and other funds under this chapter. The board is not
14 responsible for providing to the consortium staff human resources,
15 contract monitoring, purchasing, or any other administrative
16 support services.

17 SUBCHAPTER C. EXECUTIVE COMMITTEE

18 Sec. 113.0101. EXECUTIVE COMMITTEE COMPOSITION. (a) The
19 consortium is governed by an executive committee composed of the
20 following members:

21 (1) the chair of the academic department of psychiatry
22 of each of the health-related institutions of higher education
23 listed in Section 113.0052 or a licensed psychiatrist, including a
24 child-adolescent psychiatrist, designated by the chair to serve in
25 the chair's place;

26 (2) a representative of the commission with expertise
27 in the delivery of mental health care services, appointed by the

1 executive commissioner;

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

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

8 (5) a representative of each nonprofit organization
9 described by Section 113.0052 that is part of the consortium,
10 designated by a majority of the members described by Subdivision
11 (1);

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

15 (7) any other representative designated:

16 (A) under Subsection (b); or

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

19 (b) The president of each of the health-related
20 institutions of higher education listed in Section 113.0052 may
21 designate a representative to serve on the executive committee.

22 Sec. 113.0102. VACANCY. A vacancy on the executive
23 committee shall be filled in the same manner as the original
24 appointment.

25 Sec. 113.0103. PRESIDING OFFICER. The executive committee
26 shall elect a presiding officer from among the membership of the
27 executive committee.

1 Sec. 113.0104. STATEWIDE BEHAVIORAL HEALTH COORDINATING
2 COUNCIL. The consortium shall designate a member of the executive
3 committee to represent the consortium on the statewide behavioral
4 health coordinating council.

5 Sec. 113.0105. GENERAL DUTIES. The executive committee
6 shall:

7 (1) coordinate the provision of funding to the
8 health-related institutions of higher education listed in Section
9 113.0052 to carry out the purposes of this chapter;

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

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

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

18 SUBCHAPTER D. ACCESS TO CARE

19 Sec. 113.0151. CHILD PSYCHIATRY ACCESS NETWORK AND
20 TELEMEDICINE AND TELEHEALTH PROGRAMS. (a) The consortium shall
21 establish a network of comprehensive child psychiatry access
22 centers. A center established under this section shall:

23 (1) be located at a health-related institution of
24 higher education listed in Section 113.0052; and

25 (2) provide consultation services and training
26 opportunities for pediatricians and primary care providers
27 operating in the center's geographic region to better care for

1 children and youth with behavioral health needs.

2 (b) The consortium shall establish or expand telemedicine
3 or telehealth programs for identifying and assessing behavioral
4 health needs and providing access to mental health care services.
5 The consortium shall implement this subsection with a focus on the
6 behavioral health needs of at-risk children and adolescents.

7 (c) A health-related institution of higher education listed
8 in Section 113.0052 may enter into a memorandum of understanding
9 with a community mental health provider to:

10 (1) establish a center under Subsection (a); or

11 (2) establish or expand a program under Subsection
12 (b).

13 (d) The consortium shall leverage the resources of a
14 hospital system under Subsection (a) or (b) if the hospital system:

15 (1) provides consultation services and training
16 opportunities for pediatricians and primary care providers that are
17 consistent with those described by Subsection (a); and

18 (2) has an existing telemedicine or telehealth program
19 for identifying and assessing the behavioral health needs of and
20 providing access to mental health care services for children and
21 adolescents.

22 Sec. 113.0152. CONSENT REQUIRED FOR SERVICES TO MINOR.

23 (a) A person may provide mental health care services to a child
24 younger than 18 years of age through a program established under
25 this subchapter only if the person obtains the written consent of
26 the parent or legal guardian of the child.

27 (b) The consortium shall develop and post on its Internet

1 website a model form for a parent or legal guardian to provide
2 consent under this section.

3 (c) This section does not apply to services provided by a
4 school counselor in accordance with Section 33.005, 33.006, or
5 33.007, Education Code.

6 Sec. 113.0153. REIMBURSEMENT FOR SERVICES. A child
7 psychiatry access center established under Section 113.0151(a) may
8 not submit an insurance claim or charge a pediatrician or primary
9 care provider a fee for providing consultation services or training
10 opportunities under that section.

11 SUBCHAPTER E. MENTAL HEALTH WORKFORCE

12 Sec. 113.0201. COMMUNITY PSYCHIATRY WORKFORCE EXPANSION.

13 (a) The executive committee may provide funding to a
14 health-related institution of higher education listed in Section
15 113.0052 for the purpose of funding:

16 (1) one full-time psychiatrist who treats adults or
17 one full-time psychiatrist who treats children and adolescents to
18 serve as academic medical director at a facility operated by a
19 community mental health provider; and

20 (2) two new resident rotation positions.

21 (b) An academic medical director described by Subsection
22 (a) shall collaborate and coordinate with a community mental health
23 provider to expand the amount and availability of mental health
24 care resources by developing training opportunities for residents
25 and supervising residents at a facility operated by the community
26 mental health provider.

27 (c) An institution of higher education that receives

1 funding under Subsection (a) shall require that psychiatric
2 residents participate in rotations through the facility operated by
3 the community mental health provider in accordance with Subsection
4 (b).

5 Sec. 113.0202. CHILD AND ADOLESCENT PSYCHIATRY FELLOWSHIP.

6 (a) The executive committee may provide funding to a
7 health-related institution of higher education listed in Section
8 113.0052 for the purpose of funding a physician fellowship position
9 that will lead to a medical specialty in the diagnosis and treatment
10 of psychiatric and associated behavioral health issues affecting
11 children and adolescents.

12 (b) The funding provided to a health-related institution of
13 higher education under this section must be used to increase the
14 number of fellowship positions at the institution and may not be
15 used to replace existing funding for the institution.

16 SUBCHAPTER F. MISCELLANEOUS PROVISIONS

17 Sec. 113.0251. BIENNIAL REPORT. Not later than December 1
18 of each even-numbered year, the consortium shall prepare and submit
19 to the governor, the lieutenant governor, the speaker of the house
20 of representatives, and the standing committee of each house of the
21 legislature with primary jurisdiction over behavioral health
22 issues and post on its Internet website a written report that
23 outlines:

- 24 (1) the activities and objectives of the consortium;
25 (2) the health-related institutions of higher
26 education listed in Section 113.0052 that receive funding by the
27 executive committee; and

1 (3) any legislative recommendations based on the
2 activities and objectives described by Subdivision (1).

3 Sec. 113.0252. APPROPRIATION CONTINGENCY. The consortium
4 is required to implement a provision of this chapter only if the
5 legislature appropriates money specifically for that purpose. If
6 the legislature does not appropriate money specifically for that
7 purpose, the consortium may, but is not required to, implement a
8 provision of this chapter.

9 Sec. 113.0253. JUDICIAL INSTRUCTION REGARDING MENTAL
10 HEALTH CARE RESOURCES. The Supreme Court of Texas and the Texas
11 Court of Criminal Appeals, in consultation with the consortium,
12 shall develop a training program to educate and inform designated
13 judges and their staff on mental health care resources available
14 within the geographic region in which the designated judges
15 preside. The Supreme Court of Texas and the Texas Court of Criminal
16 Appeals may develop and operate the training program in conjunction
17 with any other training programs.

18 SECTION 2. As soon as practicable after the effective date
19 of this Act, the executive commissioner of the Health and Human
20 Services Commission, the commissioner of the Texas Higher Education
21 Coordinating Board, and the members of the executive committee
22 described by Section 113.0101(a)(1), Health and Safety Code, as
23 added by this Act, shall make the appointments and designations
24 required by Section 113.0101, Health and Safety Code, as added by
25 this Act.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

C.S.S.B. No. 10

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2019.