

BILL ANALYSIS

C.S.H.B. 3121
By: Turner, John
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that Texas lags behind other states in providing high-quality options for post-hospitalization residential treatment for adolescents experiencing serious mental health challenges and that, although there are a significant number of residential treatment centers for teens and adolescents, the centers vary in quality and much of the care is provided within Child Protective Services or the juvenile justice system for youth with a variety of mental health, behavioral, and substance abuse problems. To assist adolescents and families in this difficult situation locate a residential treatment center that is focused on mental health and that meets certain quality and accreditation standards, as well as to encourage existing centers that provide psychiatric care to voluntarily meet heightened quality standards and incentivize new high-quality psychiatric care facilities for youth to open up in Texas, C.S.H.B. 3121 seeks to provide for the voluntary state certification of certain facilities providing high-quality residential youth psychiatric care.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3121 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) to develop and implement a voluntary quality standards certification process to certify a psychiatric residential youth treatment facility that meets standards for certification under the process. The bill defines "psychiatric residential youth treatment facility" as a private facility that provides psychiatric health treatments and services in a residential, nonhospital setting exclusively to individuals who are 21 years of age or younger that meets criteria to be licensed as a general residential operation and provides room and board.

C.S.H.B. 3121 provides for the application for and issuance and renewal of a certificate and requires the executive commissioner of HHSC by rule to establish nonrefundable application and renewal fees in amounts necessary to cover the costs of administering the certification process. The bill requires HHSC to conduct an inspection not later than the first anniversary of the date a certificate is issued or renewed to ensure the certificate holder remains in compliance with the process requirements and HHSC rules.

C.S.H.B. 3121 requires the executive commissioner of HHSC by rule to establish minimum standards for the certification of psychiatric residential youth treatment facilities and sets out the criteria relating to the following with respect to those standards:

- accreditation; and
- guidelines for individual plans of care, individual therapy, family engagement, consultation services with qualified professionals, 24-hour nursing, direct care and supervision services, supportive services for daily living and safety, and positive behavior management services.

The bill prohibits a certified facility from admitting or providing treatments or services to an individual unless the individual meets the following criteria:

- is 21 years of age or younger;
- has been diagnosed with a severe emotional disturbance by a licensed mental health professional;
- requires residential psychiatric treatment under the direction of a licensed physician to improve the individual's condition; and
- was referred for treatments or services in a psychiatric residential youth treatment facility by a licensed mental health professional.

The bill defines "severe emotional disturbance" as a mental, behavioral, or emotional disorder of sufficient duration to result in functional impairment that substantially interferes with or limits an individual's role or ability to function in family, school, or community activities.

C.S.H.B. 3121 does the following:

- subjects a certified facility to certain civil and administrative penalties under the Texas Mental Health Code for a violation of the bill's provisions or a rule adopted under those provisions;
- makes the bill's provisions inapplicable to a mental hospital or a private mental hospital and other mental health facilities; and
- establishes that the bill's provisions do not affect any licensing or other requirements of a psychiatric residential youth treatment facility.

The bill requires the executive commissioner of HHSC to adopt rules necessary to implement the bill's provisions as soon as practicable after the bill's effective date.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3121 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does the following:

- revises the original's definition for "psychiatric residential youth treatment facility" with regard to the facility's classification as a general residential operation offering treatments and services in a nonhospital setting;
- includes a definition not in the original for "severe emotional disturbance"; and
- revises the original's admission criteria for a certified facility with regard to the diagnosis of an admitted individual to account for the inclusion of the term "severe emotional disturbance."