

BILL ANALYSIS

Senate Research Center
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H.B. 400
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas is experiencing a shortage in licensed professional mental health providers. According to the Department of State Health Services, 15 million Texans live in an area that is classified as a Health Professional Shortage Area, defined as population to provider ratio of 30,000 to 1. The Health and Human Services Commission has testified that over the last biennium state hospitals have a backlog in civil and criminal commitments with an estimated 700 hospital beds offline due to these shortages.

H.B. 400 seeks to remedy this workforce shortage by providing for the establishment of a psychiatric specialty innovation grant program to award incentive payments for the purposes of increasing the number of physicians who specialize in adult or pediatric psychiatric care.

The bill also provides for the establishment of a behavioral health innovation grant program to award incentive payments to institutions of higher education that administer innovative recruitment, training, and retention programs designed to increase the number of mental health professionals or professionals in related fields.

The bill requires the Texas Higher Education Coordinating Board to draft rules regarding eligibility criteria (including requiring eligible schools to demonstrate regional and state workforce need) and guidelines for grant amounts.

H.B. 400 amends current law relating to innovation grant programs to support residency training programs in psychiatric specialty fields and recruitment, training, and retention programs in behavioral health fields.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 58A.073, Health and Safety Code) and SECTION 2 (Section 61.9993, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 58A, Education Code, by adding Subchapter D, as follows:

SUBCHAPTER D. PSYCHIATRIC SPECIALTY INNOVATION GRANT PROGRAM

Sec. 58A.071. PSYCHIATRIC SPECIALTY INNOVATION GRANT PROGRAM. Requires the Texas Higher Education Coordinating Board (THECB), subject to available funds, to establish an innovation grant program under which THECB awards incentive payments to medical schools that administer innovative residency training programs designed to increase the number of physicians in this state who specialize in pediatric or adult psychiatric care.

Sec. 58A.072. FEDERAL FUNDS AND GIFTS, GRANTS, AND DONATIONS. Authorizes THECB, in addition to other money appropriated by the legislature, for the purpose of promoting pediatric or adult psychiatric care under the program established under this subchapter, to:

(1) seek and apply for any available federal funds; and

(2) solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation of the program.

Sec. 58A.073. RULES. Requires THECB, in consultation with each medical school in this state, to adopt rules for the administration of the program established under this subchapter. Requires that the rules include:

(1) administrative provisions relating to the awarding of grants under this subchapter, such as:

(A) eligibility criteria for medical schools, including a requirement that the medical school demonstrate regional and state workforce need;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) procedures for evaluating grant applications; and

(E) procedures for monitoring the use of grants; and

(2) methods for tracking the effectiveness of grants that:

(A) using data reasonably available to THECB, consider relevant information regarding the career paths of medical school graduates during the four-year period following their graduation; and

(B) evaluate whether and for how long those graduates practice in a psychiatric specialty field in this state.

Sec. 58A.074. AWARD OF GRANTS. (a) Requires THECB, in awarding grants under the program, to award:

(1) 60 percent of the amount available in each program year to medical schools with innovative residency programs that train physicians to specialize in pediatric psychiatric care; and

(2) 40 percent of the amount available in each program year to medical schools with innovative residency programs that train physicians to specialize in adult psychiatric care.

(b) Requires THECB, within each category of grants prescribed by Subsection (a), to give priority to grants to medical schools with innovative residency programs based in rural or underserved areas.

Sec. 58A.075. GRANT AMOUNT. Prohibits the amount of a grant awarded under this subchapter from exceeding \$1 million.

Sec. 58A.076. REPORTING REQUIREMENTS. Requires a medical school that receives a grant awarded under this subchapter to submit to THECB an annual report on the amounts and purposes for which grant funds were spent during the year covered by the report.

Sec. 58A.077. ADMINISTRATIVE COSTS. Authorizes a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to be used by THECB to pay the costs of administering this subchapter.

SECTION 2. Amends Chapter 61, Education Code, by adding Subchapter RR, as follows:

SUBCHAPTER RR. BEHAVIORAL HEALTH INNOVATION GRANT PROGRAM

Sec. 61.9991. BEHAVIORAL HEALTH INNOVATION GRANT PROGRAM. Requires THECB, subject to available funds, to establish an innovation grant program under which THECB awards incentive payments to institutions of higher education that administer innovative recruitment, training, and retention programs designed to increase the number of mental health professionals, as defined by Section 61.601 (Definition), or professionals in related fields, as determined by THECB, including by providing a salary increase or stipend to a faculty member who provides instruction to additional students in a degree or certificate program that graduates those professionals.

Sec. 61.9992. FEDERAL FUNDS AND GIFTS, GRANTS, AND DONATIONS. Authorizes THECB, in addition to other money appropriated by the legislature, for the purpose of increasing the behavioral health workforce in this state under the program established under this subchapter, to:

- (1) seek and apply for any available federal funds; and
- (2) solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation of the program.

Sec. 61.9993. RULES. (a) Requires THECB to adopt rules for the administration of the program established under this subchapter. Requires THECB, in adopting the rules, to solicit from the Texas Behavioral Health Executive Council information necessary to identify programs anticipated to produce the best outcomes and serve the greatest need.

(b) Requires that the rules include:

(1) administrative provisions relating to the awarding of grants under this subchapter, such as:

- (A) eligibility criteria for institutions of higher education, including a requirement that the institution demonstrate regional and state workforce need;
- (B) grant application procedures;
- (C) guidelines relating to grant amounts;
- (D) procedures for evaluating grant applications; and
- (E) procedures for monitoring the use of grants; and

(2) methods for tracking the effectiveness of grants that:

- (A) using data reasonably available to THECB, consider relevant information regarding the career paths of professionals described by Section 61.9991 during the four-year period following their graduation; and
- (B) evaluate whether and for how long those professionals practice in a field described by Section 61.9991 in this state.

Sec. 61.9994. AWARD OF GRANTS. Requires THECB, in awarding grants under the program, to give priority to applicants that propose to:

- (1) enhance or leverage existing degree programs that graduate professionals described by Section 61.9991;

- (2) establish or maintain a program that serves a rural or underserved area;
- (3) partner with:
 - (A) another institution of higher education to develop a joint program; or
 - (B) a public school to implement early recruitment in high school;
- (4) establish or maintain a program that incentivizes professionals described by Section 61.9991 to serve in their field or a related field of study for at least three consecutive years following graduation in an inpatient or outpatient behavioral health facility or program that receives state funding;
- (5) establish or maintain a degree or certificate program to educate professionals in specialties that face significant workforce shortages, including those described by Section 61.601; or
- (6) establish or maintain psychiatric fellowship programs that serve correctional facilities or inpatient psychiatric facilities.

Sec. 61.9995. GRANT AMOUNT. Prohibits the amount of a grant awarded under this subchapter from exceeding \$1 million.

Sec. 61.9996. REPORTING REQUIREMENTS. Requires an institution of higher education that receives a grant awarded under this subchapter to submit to THECB an annual report on the amounts and purposes for which grant funds were spent during the year covered by the report.

Sec. 61.9997. ADMINISTRATIVE COSTS. Authorizes a reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter to be used by THECB to pay the costs of administering this subchapter.

SECTION 3. (a) Requires THECB, as soon as practicable after the effective date of this Act, to adopt rules for the implementation and administration of the innovation grant programs established under Subchapter D, Chapter 58A, Education Code, and Subchapter RR, Chapter 61, Education Code, as added by this Act.

(b) Requires THECB, not later than September 1, 2024, to establish the innovation grant programs required by Subchapter D, Chapter 58A, Education Code, and Subchapter RR, Chapter 61, Education Code, as added by this Act, and to begin to award grants under each program as soon as practicable after the program is established.

SECTION 4. Effective date: September 1, 2023.