

BILL ANALYSIS

Senate Research Center
89R28134 EAS-D

C.S.S.B. 2446
By: Sparks
Health & Human Services
5/5/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This legislation seeks to increase the financial accountability of local mental health authorities (LMHAs).

The Texas Health and Human Services Commission contracts with 37 LMHAs to deliver mental health services to Texans. Each LMHA provides services to specific regions in the state. Additionally, LMHAs must submit numerous financial reports and be subject to financial and performance audits. Despite this, concerns have been raised about the practices of an LMHA in West Texas. A member of the governing board for that LMHA has stated they were denied access to expenditure reports and financial information of the LMHA.

S.B. 2446 amends the Health and Safety Code to require an LMHA to provide an electronic monthly expense report to members of the governing board for the LMHA. Additionally, S.B. 2446 requires an LMHA to have a governing board, prohibits—in statute—an employee of the LMHA from serving on the governing board, creates a public member for the LMHA governing board who has business experience and has not served in elected office, and requires at least one sheriff or representative of the sheriff's office to be a voting member of the board.

The committee substitute replaces the filed version with a Texas Legislative Council draft. The substitute requires that at least one sheriff or representative of the sheriff's office be a voting member of the governing board. Additionally, the substitute removes the section of the bill related to DEI.

C.S.S.B. 2446 amends current law relating to the composition of the governing bodies of local mental health authorities and reports available to the governing body members.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 533.035, Health and Safety Code, by adding Subsection (f), as follows:

(f) Requires each local mental health authority to prepare a monthly expense report detailing each expenditure the local mental health authority made in the preceding month and make the report available in an electronic format to each member of the governing body, including ex officio nonvoting members.

SECTION 2. Amends Section 533.0351, Health and Safety Code, by amending Subsections (a), (b), (c), and (c-1) and adding Subsections (a-1) and (c-2), as follows:

(a) Requires each local mental authority to have a governing body. Requires the governing body to include:

(1) for a local authority that serves only one county, the sheriff of the county; and

(2) for a local authority that serves two or counties, two sheriffs chosen in accordance with Subsection (b), one of whom may serve as an ex officio nonvoting member.

Deletes existing text requiring the governing body, if a local mental health authority has a governing body, to include for a local authority that serves only one county, the sheriff of the county as an ex officio nonvoting member.

(a-1) Requires at least one voting member of the governing body of a local mental health authority to be a member of the public who has experience in business or as an employee in a corporate setting, has not served in a public elective office, and is appointed by the governing bodies of the local authority's participating local agencies in accordance with Chapter 534 (Community Services) or, if the local authority does not have a participating local agency, the local authority's governing body.

(b) Requires a local mental health authority that serves two or more counties, in selecting sheriffs to serve as members under Subsection (a)(2), to take the median population size of each of those counties and choose sheriffs for counties meeting certain criteria.

(c) Authorizes a sheriff who is chosen to serve as a member of the governing body of a local mental health authority in accordance with Section 533.0351 (Required Composition of Local Mental Health Authority Governing Body) to designate a representative to serve as a member of the body in the sheriff's place as a member, rather than as an ex officio nonvoting member under Subsection (a). Authorizes one sheriff or designated representative of the sheriff except as provided by Subsection (c-1), for a local authority that serves two or more counties, to serve as an ex officio nonvoting member under Subsection (a) for the duration of the applicable sheriff's term in office. Makes a nonsubstantive change.

(c-1) Authorizes a local mental health authority, for a local authority that serves two or more counties, to rotate the position of sheriff who serves as an ex officio nonvoting member chosen in accordance with Subsection (b) among the other sheriffs of the counties served by the local authority. Makes conforming and nonsubstantive changes.

(c-2) Prohibits a person employed by a local mental health authority from serving as a member of the authority's governing body.

SECTION 3. Repealer: Section 533.0351(e) (relating to requiring a mental health authority to take certain actions if it does not have a governing body), Health and Safety Code.

SECTION 4. Effective date: September 1, 2025.