

## **BILL ANALYSIS**

C.S.H.B. 10  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The consequences of mental health illness and behavioral health illness are far-reaching and often tragic. It has been suggested that the state would benefit from providing improved access to professional mental and behavioral care and research. C.S.H.B. 10 seeks to make Texas a leader in addressing child and adolescent mental health issues by creating the Texas Mental and Behavioral Health Research Institute to create best practices, leadership, and vision for addressing child and adolescent behavioral health needs and to fund research for behavioral health issues.

### **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 Texas Mental and Behavioral Health Research Institute and to the institute's executive committee in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 10 amends the Health and Safety Code to establish the Texas Mental and Behavioral Health Research Institute to create best practices, leadership, and vision for addressing child and adolescent behavioral health needs and to provide funding for researching behavioral health issues. The bill provides for the composition and selection of the institute's membership, including members designated to represent specified health-related institutions of higher education. The bill establishes that service on the institute by a public officer or employee is an additional duty of the office or employment and provides for the filling of vacancies. The bill requires the institute to elect a presiding member from among its membership, designate a member to represent the institute on the statewide behavioral health coordinating council, and establish a schedule of regular meetings.

C.S.H.B. 10 establishes that the institute is administratively attached to the Texas Higher Education Coordinating Board and authorizes the coordinating board to use up to three percent of the institute's funds, as approved by the Texas Mental and Behavioral Health Research Institute Executive Committee that is established by the bill, for the purpose of providing administrative support to the institute. The bill requires the appropriate appointing authority to appoint applicable members of the institute not later than December 1, 2019. The bill requires the institute to:

- coordinate with the statewide behavioral health coordinating council and work with relevant entities to enhance mental health care and impact substance use disorder in Texas through the health-related institutions of higher education represented in the

institute by providing funding for specified purposes; and

- adopt rules as necessary to accomplish those purposes.

C.S.H.B. 10 requires the institute to establish a mental health, behavioral health, and substance use disorder research program to provide funding to the health-related institutions of higher education represented in the institute for purposes as set out by the bill relating to research, training, best practices, researcher recruitment, and prevention and outreach, including funding to implement a statewide research framework.

C.S.H.B. 10 authorizes a health-related institution of higher education represented in the institute to apply for research program funding alone or in partnership with a state agency or other institution of higher education and authorizes the institute to prioritize awarding funding to an institution of higher education that applies in such a partnership. The bill authorizes an institution of higher education that is awarded funding to partner with any necessary entity or person to carry out the purpose for which the funding was awarded. The bill requires the institute to establish a process for the selection of research projects to fund under the program and provides for the basis of evaluation of such projects. The bill establishes that the bill's provisions relating to the program do not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides the basis for a cause of action.

C.S.H.B. 10 creates the Texas Mental and Behavioral Health Research Institute Executive Committee to make final decisions on all research proposals recommended by the institute for funding. The bill requires the executive committee to adopt reasonable rules and procedures to ensure that final decisions are made in an unbiased and objective manner. The bill provides for the composition and method of appointment of the 11 members of the executive committee and provides for the election of a presiding officer and the filling of vacancies.

C.S.H.B. 10 sets out provisions authorizing the institute to solicit and accept gifts, grants, and donations from any source for the bill's purposes, requiring the coordinating board to assist the institute in creating a website, and authorizing a health-related institution of higher education represented in the institute to contract with a historically black college or university in Texas for collaborative purposes.

C.S.H.B. 10 requires the institute, not later than December 1 of each even-numbered year, to prepare and submit to the governor and Legislative Budget Board and post on the institute's website a biennial report on the institute's activities and related legislative recommendations. The bill makes a requirement for the institute's implementation of a provision of the bill contingent on the appropriation of money by the legislature and authorizes the institute, in the absence of such an appropriation, to implement the provision using other money available to the institute for that purpose.

C.S.H.B. 10 includes a health-related institution of higher education represented in the institute that is certified by the Centers for Medicare and Medicaid services as a qualified entity among the entities authorized to have access to information submitted to the Texas State Board of Pharmacy (TSBP) under certain provisions of the Texas Controlled Substances Act relating to prescription monitoring. The bill authorizes the use of such information for any purpose outlined by an interoperability agreement related to institutional compliance monitoring or medical or public health research. The bill provides for access to prescription monitoring information by an applicable health-related institution of higher education.

C.S.H.B. 10, if the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, providing for the issuance of general obligation bonds by the Texas Public Finance Authority to fund research, treatment, and access to services in Texas for behavioral health, mental health, and substance use and addiction issues is approved by the voters, makes the institute eligible to receive funding through the proceeds of bonds issued under the authority of

the applicable constitutional provision for any activities conducted by the institute that serve the purposes of that provision.

C.S.H.B. 10 requires the institute, if S.B. 10, Acts of the 86th Legislature, Regular Session, 2019, creating the Texas Mental Health Care Consortium or similar legislation creating a comparable entity becomes law, to coordinate with the consortium or comparable entity to the greatest extent possible in conducting meetings and carrying out the purposes of each entity.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 10 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 not include provisions relating to:

- a supplemental grant to a graduate medical education program to increase the number of first-year residency positions leading to certain medical specialties;
- a child and adolescent psychiatric nursing grant program; and
- an addiction crisis grant program that is separate from the behavioral health research and treatment grant program.

The substitute changes the names of the Texas Behavioral Health Research Institute and the behavioral health research and treatment grant program, respectively, to the Texas Mental and Behavioral Health Research Institute and the mental health, behavioral health, and substance use disorder research program.

The substitute changes provisions with regard to:

- the purpose of the institute;
- the composition of the institute, including the appointing authorities;
- the powers and duties of the institute, including by:
  - removing powers and duties specifically targeting child behavioral and mental health, funding support for direct care, and creating a statewide plan to address behavioral health issues in schools; and
  - adding powers and duties more directly associated with research and medical training; and
- the purposes of the research program by, among other things:
  - incorporating some of the purposes contained in the addiction crisis grant program that are not included in the substitute; and
  - adding a requirement that funding be used, among other purposes, to implement a specified statewide research framework.

The substitute includes provisions that, among other things:

- provide for the institute's representation on the statewide behavioral health coordinating council;
- establish administrative attachment of the institute to the coordinating board and

authorize the coordinating board to use institute funds for providing administrative support;

- authorize the institute to prioritize certain funding applications involving partnerships;
- require the institute to establish a selection process for the funding of research projects under the program;
- expressly provide that the provisions regarding the program do not create certain causes of action or liability or create a standard of care, obligation, or duty that provides the basis for such an action;
- relate to the creation of, composition of, and funding decision authority of the institute's executive committee;
- require the coordinating board to assist the institute in creating a website;
- relate to an applicable institution's access for research purposes and compliance monitoring purposes to certain information collected or held by the TSBP regarding prescriptions for controlled substances;
- make the institute eligible to receive funding through the proceeds of certain bonds, contingent on passage of a constitutional amendment; and
- require the institute, contingent on the passage of legislation creating the Texas Mental Health Care Consortium, to coordinate with the consortium or comparable entity.