

## **BILL ANALYSIS**

Senate Research Center

H.B. 10  
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Health & Human Services  
5/4/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 10 seeks to address the growing issue of mental and behavioral health in the state through the creation of the Texas Mental and Behavioral Health Research Institute. The Institute will be administratively attached to the Texas Higher Education Coordinating Board, and will lead the charge on addressing child and adolescent behavioral health needs by funding extensive research and fostering statewide collaboration among Texas's health-related higher education institutions and other state entities. This model will enable Texas to be at the forefront of mental and behavioral health research.

H.B. 10 amends current law relating to the creation of the Texas Mental and Behavioral Health Research Institute.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Mental and Behavioral Health Research Institute Executive Committee in SECTION 1 (Section 104A.007, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the Texas Mental and Behavioral Health Research Institute in SECTION 1 (Section 104A.005, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle E, Title 2, Health and Safety Code, by adding Chapter 104A, as follows:

#### **CHAPTER 104A. TEXAS MENTAL AND BEHAVIORAL HEALTH RESEARCH INSTITUTE**

Sec. 104A.001. DEFINITION. Defines "institute" to mean the Texas Mental and Behavioral Health Research Institute (institute) in this chapter.

Sec. 104A.002. ESTABLISHMENT; PURPOSE. Provides that the institute is established to create best practices, leadership, and vision for addressing child and adolescent behavioral health needs and to provide funding for researching behavioral health issues.

Sec. 104A.003. COMPOSITION OF INSTITUTE. (a) Provides that the institute is composed of the following members:

(1) three representatives of nonprofit organizations in this state that focus on mental health care, one appointed by the governor, one appointed by the lieutenant governor, and one appointed by the speaker of the house of representatives;

(2) a representative of the Health and Human Services Commission (HHSC) with expertise in the delivery of mental health care services, appointed by the executive commissioner of HHSC (executive commissioner);

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

(4) a representative of the Texas Higher Education Coordinating Board (THECB), appointed by the commissioner of THECB; and

(5) the chair of the academic department of psychiatry from each of certain health-related institutions of higher education or a licensed psychiatrist, including a child-adolescent psychiatrist, designated to serve by the chair in the chair's place.

(b) Provides that service on the institute by a public officer or employee is an additional duty of the office or employment.

(c) Requires the institute to elect a presiding member from among its membership.

(d) Requires the members of the institute to designate a member to represent the institute on the statewide behavioral health coordinating council.

(e) Requires a vacancy in the membership of the institute to be filled in the same manner as the original appointment.

(f) Requires the institute to establish a schedule of regular meetings.

Sec. 104A.004. ADMINISTRATIVE ATTACHMENT. Provides that the institute is administratively attached to THECB. Provides that except as provided by Section 104A.008, the institute is funded solely by money appropriated to THECB for the purposes of the institute. Authorizes THECB to use up to three percent of the institute's funds, as approved by the executive committee established under Section 104A.007, for the purpose of providing administrative support to the institute.

Sec. 104A.005. POWERS AND DUTIES. (a) Requires the institute to coordinate with the statewide behavioral health coordinating council and work with relevant state agencies, consortiums, councils, cooperatives, collaborations, boards, centers, and other state entities to enhance mental health care and impact substance use disorder in this state through the health-related institutions of higher education listed in Section 104A.003(a)(5) by providing funding for:

(1) research efforts conducted by a health-related institution of higher education;

(2) the dissemination of best practice guidelines by a health-related institution of higher education;

(3) the recruitment of researchers and clinicians to a health-related institution of higher education;

(4) the training of students, residents, and fellows in connection to a research effort conducted under this chapter by a health-related institution of higher education; and

(5) clinical trials, studies, or other patient programs of a health-related institution of higher education that are approved by an institutional review board.

(b) Requires the institute to adopt rules as necessary to accomplish the purposes of Subsection (a).

Sec. 104A.006. MENTAL HEALTH, BEHAVIORAL HEALTH, AND SUBSTANCE USE DISORDER RESEARCH PROGRAM. (a) 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 listed in Section 104A.003(a)(5) to:

- (1) implement a statewide research framework focused on preventing, identifying, and treating certain mental health conditions;
- (2) support research efforts regarding certain mental and behavioral health issues;
- (3) in connection to the research efforts conducted under Subdivision (2), administer training to develop a workforce that specializes in psychiatric research and clinical care;
- (4) research, develop, test, and disseminate best practices for prescribing opioid drugs;
- (5) teach the best practices for prescribing opioid drugs described by Subdivision (4) at the health-related institutions of higher education and at any continuing or community education courses provided by the institution;
- (6) conduct substance use disorder research related to identifying certain strategies and techniques;
- (7) in connection to the research conducted under Subdivision (6), administer training to develop a workforce that specializes in psychiatric research and clinical care;
- (8) research and test new substance use disorder treatment approaches;
- (9) collaborate with HHSC, the Texas State Board of Pharmacy, and any other appropriate organization, agency, or professional board to complete comparative studies of prescribing practices for opioid drugs in this state;
- (10) recruit mental health, behavioral health, and substance use disorder researchers, other than researchers from a public, private, or independent institution of higher education in this state; and
- (11) research or address any other mental health, behavioral health, substance use disorder, or addiction issue identified by the institute.

(b) Authorizes a health-related institution of higher education listed in Section 104A.003(a)(5) to apply for funding under this section alone or in partnership with a state agency or other institution of higher education. Authorizes the institute to prioritize awarding funding under this section to an institution of higher education that applies in partnership with a state agency or other institution. Authorizes the institution, if an institution of higher education is awarded funding under this section, to partner with any necessary entity or person to carry out the purpose for which the funding was awarded.

(c) Requires the institute to establish a process for the selection of research projects to fund under this section. Requires the process to provide for the evaluation of research projects based on their alignment with the statewide behavioral health strategic plan or whether they address key issues identified by the institute.

(d) Provides that, notwithstanding any other law, this section, including any action taken under this section to develop or disseminate information or materials, does not create a civil or administrative cause of action or a civil or criminal liability and does not create a standard of care, obligation, or duty that provides the basis for a cause of action.

(e) Provides that data on or personally identifying information of a person obtained under this chapter is confidential and not subject to disclosure.

Sec. 104A.007. EXECUTIVE COMMITTEE. (a) Provides that the Texas Mental and Behavioral Health Research Institute Executive Committee (executive committee) is created to make final decisions on all research proposals recommended by the institute for funding. Requires the executive committee to adopt reasonable rules and procedures to ensure that final decisions are made in an unbiased and objective manner.

(b) Provides that the executive committee is composed of 11 members with appropriate expertise in mental and behavioral health issues and sets forth the composition of the executive committee.

(c) Requires a vacancy on the executive committee to be filled in the same manner as the original appointment.

(d) Requires the executive committee to elect a presiding officer from among the membership of the executive committee.

Sec. 104A.008. SOLICITATION OF RESOURCES. (a) Requires the institute to solicit federal funding for mental and behavioral research and other functions of the institute.

(b) Authorizes the institute to solicit and accept gifts, grants, and donations from any source for the purpose of carrying out this chapter.

Sec. 104A.0083. CERTAIN RESEARCH PROHIBITED. Prohibits the institute from conducting or providing funding to an entity to conduct research that uses a hallucinogenic drug, an electroconvulsive therapy, a seizure inducing therapy, or an electronic device to modify the mood, cognition, or behavior of children.

Sec. 104A.0085. DISCLOSURE OF CERTAIN SOURCES OF FUNDING. Requires the institute to ensure that each private source of funding used to conduct research under this chapter is disclosed to the public in any public communication the content of which is based on the results of the research.

Sec. 104A.0086. CONSENT REQUIRED FOR SERVICES TO MINOR. Prohibits a mental health evaluation, treatment, or service from being provided under this chapter to a child younger than 17 years of age without first obtaining the informed, written consent of the child's parent or legal guardian.

Sec. 104A.0087. PRIVACY OF INFORMATION. Requires the institute to ensure that research and evaluations are conducted and services are provided under this chapter in a manner that complies with state and federal privacy laws, including laws related to patient confidentiality.

Sec. 104A.0088. CONFLICT WITH OTHER LAW. Provides that, to the extent of any conflict between this chapter and other law, this chapter controls.

Sec. 104A.009. WEBSITE. Requires THECB to assist the institute in creating an Internet website for the institute.

Sec. 104A.010. COLLABORATION WITH HISTORICALLY BLACK COLLEGE OR UNIVERSITY. Authorizes a health-related institution of higher education listed in

Section 104A.003(a)(5) to contract with a historically black college or university in this state to collaborate with the institution in carrying out any part of this chapter.

Sec. 104A.011. REPORT. Requires the institute, not later than December 1 of each even-numbered year, to prepare and submit to the governor and the Legislative Budget Board and post on the institute's Internet website a biennial report on the institute's activities and legislative recommendations based on those activities.

Sec. 104A.012. APPROPRIATION CONTINGENCY. Provides that the institute is required to implement a provision of this chapter only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, the institute, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 2. Requires the appropriate appointing authority, not later than December 1, 2019, to appoint members to the institute in accordance with Section 104A.003, Health and Safety Code, as added by this Act.

SECTION 3. Provides that if the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, providing for the dedication of certain sales and use tax revenue to the Texas mental and behavioral health research fund established to fund research, treatment, and substance use and addiction issues is approved by the voters, the institute established by Chapter 104A, Health and Safety Code, as added by this Act, is eligible to receive funding through the proceeds of bonds issued under the authority of Section 68, Article III, Texas Constitution, for any activities conducted by the institute that serve the purposes of that constitutional provision.

SECTION 4. Provides that, to the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. Requires the institute established by Chapter 104A, Health and Safety Code, as added by this Act, 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 the greatest extent possible, to coordinate with the Texas Mental Health Care Consortium or comparable entity in conducting meetings and carrying out the purposes of each entity.

SECTION 6. Effective date: upon passage or September 1, 2019.