

End of Session Report: 86th Regular Session

10,877 total bills and resolutions filed, 4,581 passed

Budget (HB 1)

- \$250.7B total
- \$84B Health and Human Services programs
- \$66.5B Medicaid
- \$4.4B Mental and Behavioral health (programs outside of Medicaid and the Children's Health Insurance Program)
- \$342M Early Childhood Intervention (ECI)

Austin State Hospital

- SB 500, supplemental budget bill, provides \$165M for this biennium to construct the first phase of the replacement hospital. The target date for occupancy and operation is 2023.
- SB 2111 (Watson) directs HHSC to develop a plan under which operations of ASH could be transferred to a local public university. The intention is to continue working with Dell Med and ASH redesign steering committee to implement.

Health and Human Services Commission (HHSC) Exceptional Items (General Funds)

- Mental Health and Substance Use Disorder
 - \$59M Expand Mental Health Capacity at Local Mental Health and Behavioral Health Authorities (LMHAs/LBHAs)
 - \$3M Expand Residential Treatment Center (RTC) Beds for Children
 - \$23M MH Crisis Services HB 13/SB 292 Grants (maintains FY19 level)
 - \$5M Expand Substance Use Disorder (SUD) Treatment
 - \$26M Locally Purchased Inpatient Psychiatric Beds (funds 50 new beds)
 - \$435,265 Expand Real-time Data Sharing Among Jails, Local Mental Health Authorities (LMHAs), Local Behavioral Health Authorities (LBHAs), and Local Intellectual and Developmental Disability Authorities (LIDDAs)
 - \$99M SB 11 Child Mental Health Consortium
 - \$5M HB 19 relating to mental health and substance use resources for certain school districts
- Intellectual and Developmental Disability
 - \$25M Community Care Waiver Slots for Diversion and Transition from Institutionalized Settings and Reducing Community Program Interest Lists
 - \$3.4M Maintain Funding for Enhanced Community Coordination (ECC) and Transition Support Teams (TST)
 - \$3M Establish Outpatient Mental Health Services at LIDDAs
 - \$4M Expand Crisis Intervention and Respite Services
 - \$20M Attendant Wages (ACRE) for community care and IDD providers

- \$15M Private Duty Nursing Rates
- \$19M Therapy Rates
- \$4M Consumer-directed Services for CDS employers who will incur additional costs related to EVV
- \$32M Rate Increases for ICFs and Certain Waiver Providers

Local Mental Health Authority

- **SB 632 Governing bodies and the consultation policies of LMHAs with respect to sheriffs:** requires that an LMHA's governing body must include a sheriff or a representative of a sheriff of a county in the LMHA's service area as an ex officio nonvoting member.
- **SB 633 LMHAs Serving Rural Areas:** directs HHSC to engage in an initiative to increase the capacity of LMHAs to provide access to mental health services in rural counties. Directs HHSC to identify each LMHA located in a county with a population of 250,000 or less or that HHSC determines provides services predominantly in a county with a population of 250,000 or less and develop regional plans.
- **HB 601 Collecting information and interviewing a defendant:** requires an LMHA, as directed by a magistrate, regarding a defendant's potential mental illness or intellectual disability to interview the defendant and collect related information. This bill increases the accuracy of information collected about individuals with mental illness who are accused of a crime.

Mental Health in Schools

- **HB 19 Mental Health First Aid in Schools:** allows for more school staff to receive mental health first aid training and/or other training to increase awareness and understanding of mental health and co-occurring mental health and substance use disorders. A mental health professional employed by an LMHA will be housed at the educational service center to facilitate or provide training or other assistance in mental health awareness and steps that can be taken to address these issues in schools.
- **HB 18 Student Mental Health:** training requirements for certain school employees, curriculum requirements, counseling programs, educational programs, state and regional programs and services, and health care services for students and mental health first aid program training and reporting regarding LMHA and school district personnel. Requires the LMHA and DSHS to include additional information in their annual reports regarding mental health first aid training provided to certain school personnel.
- **HB 1070 Reporting on Mental Health First Aid Training in Schools:** requires LMHAs to collect and report to HHSC the number of school personnel trained in MHFA at educational facilities by region/school district/type of personnel.
- **SB 11 Texas Child Mental Health Care Consortium:** relates to policies, procedures, and measures for school safety and mental health promotion in public schools and the creation of the Texas Child Mental Health Care Consortium. Regional education service centers will identify resources related to student mental health available to schools in the center's region, including evidence-based and promising programs and best practices.

- **HB 906 Collaborative Task Force on Public School Mental Health Services:** creates the Collaborative Task Force on Public School Mental Health Services under the Texas Education Agency and directs it to evaluate the effectiveness of state-funded school mental health services.

Substance Use Disorder (SUD)

- **HB 4298 Licensure:** increases access to substance use services by allowing licensed outpatient treatment providers to operate secondary or satellite services in communities where it may not be economically feasible to open, maintain, and operate separately licensed facilities.
- **SB 1564 Medication assisted treatment:** requires HHSC to amend the HHSC Medicaid substance use disorder services medical policy to authorize Medicaid medical benefits reimbursement for the prescribing of buprenorphine for the treatment of an opioid use disorder by an advanced practice registered nurse (not included previously and better aligns the state's Medicaid policy with federal law).
- **SB 306 Sobering Center:** provides an additional statutory option for law enforcement to take publicly intoxicated individuals, upon their verbal consent, to a facility that provides a place for these individuals to become sober under supervision, or a "sobering center."
- **SB 195 Children SUD tracking:** requires DFPS to update its case tracking system to allow DFPS to better track children and keep statistics regarding alcohol and controlled substances if DFPS has been appropriated a sufficient amount of funds for the update.
- **SB 435 SUD Education in schools:** directs each local school health advisory council to recommend appropriate opioid addiction and abuse curriculum for the district including methods of administering an opioid antagonist.
- **SB 436 Maternal mortality:** directs the Department of State Health Services to work with the Maternal Mortality and Morbidity Task Force to develop tools and best practices necessary to assess and treat opioid use disorders among pregnant women and to prevent opioid-related overdose among pregnant and post-partum women.
- **HB 3285 Statewide Behavioral Health Strategic Plan:** amends the statewide behavioral health strategic plan, establishes opioid antagonist programs, requires Medicaid reimbursements for certain substance use disorder treatments, increase awareness of opioid risks, and requires continuing education in pain management for certain providers.

Intellectual and Developmental Disability

- **HB 3116 IDD task force on detention practice standards:** establishment of a task force to conduct a comprehensive study on best practice standards for the detention of persons with intellectual and developmental disabilities.
- **SB 1017 Advisory Council on post secondary education:** the creation of an advisory council to develop relevant outreach materials and provide advice and recommendations to the Texas Higher Education Coordinating Board on postsecondary education for persons with intellectual and developmental disabilities.
- **HB 3117 Bed capacity:** requires HHSC to review the statewide bed capacity of community ICF-IID facilities for individuals with an intellectual disability or a related condition and to develop a process to reallocate beds held in suspension by HHSC.
- **HB 965 Updating Education Code:** Relating to updating references to certain former health

services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.

- HB 3193 **Licensing**: increases from two years to three years the length of time for which a home and community support services license is valid and raises the fee cap for a license to provide home health, hospice, habilitation, or personal assistance services from \$2,000 to \$2,625.

Criminal Justice

- HB 3540 **Individuals with IDD**: Allows a peace officer to use discretion when called to a group home for individuals with IDD.
- SB 562 **Competency restoration**: revises the criminal and juvenile procedures regarding persons with mental illness or intellectual disability, ensuring that the adequate location for a defendant required to receive competency restoration is determined at the outset, rather than waiting for the defendant to be sent to a maximum security unit first before determining the adequate treatment setting.
- SB 362 **Civil commitments**: requires individuals charged with a class B misdemeanor and have a mental illness or an intellectual or developmental disability, to commit to a course of outpatient mental health services while their charges are pending.
- HB 4559 **Private insurance**: would require the adoption of procedures by which a local mental health authority or other mental health services provider providing services to a prisoner in a county jail under a contract with the county may collect certain private insurance information from a prisoner who receives those services. The purpose of this would be to allow the cost of those insurance services to be billed to the private insurance company.
- HB 4468 **Mental health services in jail**: Requires the Texas Commission on Jail Standards to adopt rules to provide persons in jail custody transportation to a mental health professional if one is not available in person or via telemental health services. Increases the number of prisoners a grant can fund under this provision and requires counties to match the amount granted based on population size.

Veterans

- SB 1180 **Treatment court**: requires the Texas Veterans Commission to report certain information on veterans treatment court programs in Texas that look to reduce recidivism rates among veterans in the criminal justice system on an annual basis to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature. This will provide more information on these programs and their costs and successes in order to make well-informed policy decisions.
- HB 4429 **Mental Health First Aid**: requires the Texas Veterans Commission, for the mental health program for veterans, to contract with local mental health authorities to provide to veterans and immediate family members of veterans mental health first aid for veterans' training.
- SB 822 **Grant program**: updates the Texas Veterans + Family Alliance (TV+FA) program by repealing the requirement that the Health and Human Services Commission use a nonprofit or private entity to administer TV+FA and aligns TV+FA with similar community grant programs.

Youth

- HB 2564 **Housing**: includes homeless youth and young adults among the different populations in the Texas Department of Housing and Community Affairs' low income housing plan.
- HB 2783 **Advisory Council**: establishes the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council to advise HHSC and the legislature on research, diagnosis, treatment, and education related to the syndrome.

Telemedicine

- SB 670 **Medicaid parity**: directs Medicaid health plans to not deny payment of services solely because the service was provided via telemedicine/telehealth rather than in person.
- HB 3345 **Parity**: requires a health benefit plan to provide coverage for telemedicine or telehealth services on the same basis that the plan provided coverage for an in-person service or procedure.
- HB 4455 **Out of state services**: seeks to address this issue of access by authorizing a Texas health care professional to provide a mental health service through a telemedicine or telehealth service to a patient located outside of Texas, subject to any applicable regulation of the jurisdiction in which the patient is located.

Health and Human Services Commission

- HB 3980 **Suicide reporting**: requires HHSC and the Statewide Behavioral Health Coordinating Council to submit reports on suicide rates and prevention efforts in Texas.
- HB 253 **Post partum depression**: requires HHSC to develop and implement a recurring five-year strategic plan to improve access to postpartum depression screening, referral, treatment, and support services.
- SB 1177 **Evidence based services**: would require a contract between a Medicaid managed care organization (MCO) and HHSC to contain language permitting an MCO to offer medically appropriate, cost-effective, and evidence-based services from a list approved by the State Medicaid Managed Care Advisory Committee and included in the contract in lieu of mental health or substance use disorder services specified in the state Medicaid plan.

Mental Health services

- SB 1238 **Wait times**: reduces the amount of time an individual waits to receive voluntary treatment by allowing physicians the option of either examining the patient up to 72 hours before admission or immediately after admission. By allowing the option of performing the examination either before or immediately after admission, the process will be streamlined for the patient and the mental health facility to ensure a continuity of care.