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End of Session Report

Table of Contents

Introduction	01
Children's Services	03
Intellectual & Developmental Disabilities	05
Substance Use Disorder	07
Adult Mental Health	09
Criminal Justice	10
Housing and Homelessness	11
Telehealth	12
Suicide Prevention	12
Workforce	13

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In recent years, mental health has emerged as a critical public health issue, demanding urgent attention from policymakers and stakeholders alike. As economic challenges and unprecedented events such as the COVID-19 pandemic continue to affect individuals' well-being, the need for comprehensive mental health services and support has become increasingly evident. Against this backdrop, the 2023 Texas Legislative Session presented a unique opportunity to address the growing crisis and redefine the state's approach to mental health.

In addition to the COVID-19 pandemic and its far-reaching consequences, the opioid crisis has further exacerbated existing mental health and substance use disorder disparities. In the first half of 2022, opioid overdoses killed almost 200 people in Travis County – more than twice the number of deaths from suicide and car wrecks. Recognizing the urgency of the situation, the Texas Legislature dedicated considerable time and resources during the 2023 session to develop and implement legislation aimed at improving mental health services, access, and overall support systems.

This report serves as a comprehensive analysis of the key mental health initiatives and policies addressed and ultimately implemented during the 2023 Texas Legislative Session. By exploring the various legislative measures, funding allocations, and policy changes, this provides an overview of the state's commitment to mental health and its potential impact on individuals, communities, and the healthcare system as a whole.



Major themes that emerged during the legislative session included but were not limited to:

- **Increasing Access to Mental Health Services:** Efforts were made to expand access to affordable and culturally competent mental health services, particularly in underserved communities. This includes initiatives focused on bolstering the mental health workforce, improving telehealth infrastructure, and increasing insurance coverage for mental health treatment.
- **Enhancing School-Based Mental Health Support:** Recognizing the significant impact of mental health on students' academic performance and overall well-being, legislation was aimed at strengthening mental health services in Texas schools. This includes measures to increase the presence of mental health professionals on campuses, provide training for educators, and improve early intervention strategies.
- **Addressing the Mental Health Needs of Underserved Populations:** Specific efforts were made to address the mental health needs of underserved populations, such as veterans, individuals experiencing homelessness, and those involved with the criminal justice system.
- **Funding and Resource Allocation:** Recognizing the importance of financial investment in mental health initiatives, this report will present the funding allocated during the 2023 Texas Legislative Session, its potential implications and future opportunities for the effectiveness and sustainability of mental health services.

The 2023 Texas Legislative Session presented progress in these key areas, as well as future opportunities in addressing the state's mental health crisis. By addressing both achievements and ongoing challenges, we can gain insights into the transformative potential of legislative efforts and inform future policymaking to ensure the mental well-being of all Texans.



Children's Services

The 2023 Texas Legislative Session witnessed the passage of several crucial pieces of legislation aimed at addressing the mental health needs of children. By introducing and approving key bills, lawmakers demonstrated a strong commitment to improving mental health services, enhancing access, and providing essential support to children and adolescents throughout the state.

Legislators increased funding for community mental health services for children through Local Mental Health Authorities by \$33M, for a total of \$221M. HB 1 includes a \$58M increase in funding for Early Childhood Intervention (ECI) Services and SB 26 appropriated \$15M to create an "Innovation Grant" program to expand access to mental health services for children and families statewide. The Community Mental Health Grant Program saw a \$15M increase, which Integral Care utilizes for on-campus mental health services.

Funding was increased for youth mobile crisis outreach teams from \$8M to \$14M, which will help support three additional youth mobile crisis outreach teams for children in foster care. To support student mental health, the Legislature increased funding for the Texas Child Health Access Through Telemedicine (TCHAT) telehealth program from \$50M to \$142M for the biennium with the aim of extending TCHAT to all school districts.



HB 3 increased Mental Health First Aid training requirements for teachers and to begin to address shortages in the mental health workforce serving children and adults, the Legislature passed multiple bills (HB 1211, HB 2100, SB 532) expanding access to the state's Loan Repayment Program for Mental Health Professionals.

These legislative measures demonstrate Texas' commitment to addressing the mental health needs of children. By prioritizing crisis services and enhancing mental health services within schools, the state has taken significant strides toward creating a more supportive environment for children's mental well-being.

However, it is important to recognize that continued investment in ongoing mental health resources and support for children is crucial to ensure the effectiveness of these measures, address any potential challenges or gaps in services, and support recovery. A Student Mental Health Allotment would have provided dedicated funding to school districts to support mental health but did not pass. Continued prioritization of children's mental health is a crucial step toward building a brighter and healthier future for Texan youth.



Intellectual and Developmental Disabilities

During the 2023 Texas Legislative Session, efforts were made to address the needs of individuals with intellectual and developmental disabilities (IDD). Lawmakers recognized the importance of supporting and empowering this population, resulting in the passage of key legislation aimed at enhancing services, promoting inclusion, and safeguarding the rights of individuals with IDD.

HB 54 increases personal needs allowance (an amount of a recipient's income in an institutional setting they may retain for personal use) from \$60 to \$75 for individuals receiving Medicaid in long-term care facilities, including Intermediate Care Facilities.

Language can open doors to cultivate the understanding and respect that enable people with intellectual disabilities to lead fuller, more independent lives. HB 446 replaces "mental retardation" with "intellectual disability" or "intellectual and developmental disability" across state code.

In an effort to promote the safety of individuals with IDD, HB 1009 requires Home and Community-Based Service providers to conduct additional criminal history checks upon hiring group home staff as well as immediately suspend staff upon receiving a finding of abuse, neglect or exploitation from the state agency.



On March 1, 2023, the state began requirements to implement new federal standards for Day Habilitation services to transition to Individualized Skills and Socialization (ISS) services. This session, HB 4169 directs the Health and Human Services Commission (HHSC) to seek federal approval to include prevocational services as part of ISS. If the agency cannot obtain a waiver, the agency must work with stakeholders and relevant federal agencies to establish a new, similar service.

SB 944 creates a path for commitment to a State Supported Living Center (SSLC) for an individual with IDD without a recommendation from an interdisciplinary team (IDT) when the parent/guardian petitions the court. This requires the court to determine beyond a reasonable doubt that the individual meets the requirements for SSLC commitment if an IDT recommendation is not requested.

Opportunities remain in the area of IDD, as the legislature approved just 1,831 new waiver slots for the 2024-25 biennium. HHSC indicates that the current unduplicated count on the interest lists is 158,375. HB 729 initially passed to establish a statewide IDD coordinating council but was vetoed by Governor Abbott on June 18, 2023. A statewide IDD coordinating council would ensure that individuals with IDs and their families are served in a strategic, holistic manner to help those individuals and their families understand all services available.

The passage of these IDD-related bills this session signifies the state's continued commitment to supporting individuals IDD, with future opportunities for additional strides towards fostering the full inclusion and empowerment of individuals with IDD.



Substance Use Disorder

This session witnessed a focus on addressing substance use related issues throughout the state, with a \$57M increase in funding from last session. Recognizing the opioid crisis and its devastating impact on individuals, families and communities, lawmakers passed legislation aimed at prevention, treatment, and recovery support.

Notable legislation this session includes HB 299, which defines recovery housing in statute. This bill prohibits recovery homes from engaging in patient brokering and from using false, misleading or deceptive marketing. It strengthens the fair housing rights of residents in accredited recovery housing and requires recovery housing to be National Alliance for Recovery Residencies (NARR) accredited or Oxford House chartered to receive state funds. HB 299 carves out recovery housing from other housing models or facilities such as boarding homes, nursing and continuing care facilities, assisted living, and IDD group homes.

According to the Substance Abuse and Mental Health Services Administration (SAMHSA), more than 11,000 full-time college students use cocaine every day, with nearly 5,000 college students using heroin each day. Heroin and cocaine are two drugs most likely to be diluted with fentanyl, according to the Centers for Disease Control and Prevention. SB 867 amends the Health and Safety Code, authorizing HHSC to provide opioid antagonists under the opioid antagonist program to include institutions of higher education.



In addition to support for institutions of higher education, HB 3908 requires fentanyl prevention and drug poisoning awareness education for public school students in grades 6 through 12. SB 629 requires public school districts and authorizes open-enrollment charter schools and private schools to adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists for campuses that serve students in grades 6 through 12.

SB 1319 requires mandatory reporting of overdoses for the purpose of public safety mapping and applies to a law enforcement officer, first responder, or other person who administers emergency services who is employed by a county. Disclosed information can only be specific to the overdose and not include any personal information. Prior to this legislation, the way the Texas Medical Information Act fit into the Health Insurance Portability and Accountability Act (HIPAA), certain state entities did not have liability coverage under HIPAA to share overdose information. Access to this overdose data will help public health agencies mobilize prevention and intervention response, and hopefully save lives.

Opportunities remain in the area of substance use disorder, particularly for parity with mental and physical health care, as coverage for chemical dependency maintains treatment limitations. Legislation which had support from Governor Abbott to legalize test strips that can detect fentanyl, a synthetic opioid that is associated with the rapidly growing number of overdose deaths, remained in a Senate committee without a hearing and did not pass.

Adult Mental Health

Recognizing the urgent need for comprehensive mental health services and support systems, lawmakers passed legislation aimed at expanding access, enhancing care quality, and promoting mental health awareness and education.

SB 26 is one of the most significant bills passed this session which includes funding and directives across an array of mental health services. This legislation creates a matching grant program to provide support for community-based initiatives that promote identification of mental health issues and improve access to early intervention and treatment for children and families. The bill requires HHSC to develop a plan for transitioning individuals who require a nursing facility level of care and high level of behavioral support and services out of state hospitals to nursing facilities.

Regarding Local Mental Health/Behavioral Authorities (LMHAs/LMBAs), SB 26 requires Office of Inspector General audits every 5 years, and financial audits every 3 years. It also requires LMHAs/LBHAs and Local IDD Authorities (LIDDAs) to report on a variety of performance and outcome measures monthly and directs HHSC to publish the data. The bill adds to current statute related to Non-Physician Mental Health Professionals (NPMHPs) stationed in Education Service Centers to allow LMHAs/LBHAs to request a waiver if there is a shortage of qualified NPMHP applicants. The waiver would allow an LMSW or LPC-A to be employed to perform the NPMHP duties.

HB 2059 significantly expands current statute related to Mental Health First Aid to make trainings available at no cost to an array of professionals across the education system, military, first responders, youth and certain judges and attorneys.

By enacting these comprehensive measures, Texas aims to improve access, quality, and awareness of mental health services.



Criminal Justice

Lawmakers recognized the need for comprehensive criminal justice reform, aiming to promote fairness, reduce recidivism, and enhance public safety. Most significantly, there was a \$30M increase in the SB 292 grant program, the mental health grant program for justice involved individuals.

HB 3858 allows law enforcement agencies to establish and maintain a mental health wellness unit for the agency's peace officers. It also establishes a peace officer wellness fund and requires HHSC to establish and administer a grant program to assist law enforcement agencies in establishing and maintaining wellness programs.

SB 1677 requires HHSC to, in cooperation with LMHAs located in rural areas, contract with nonprofits or governmental entities to establish or expand behavioral health or jail diversion centers. The purpose of these will be to provide additional forensic beds and competency restoration, provide inpatient and outpatient mental health services to adults and children, and provide services to reduce recidivism and arrests, incarcerations, and emergency detentions.

There is a need for minors to have better access to mental health facilities and services, rather than being in detention or incarceration. SB 1585 clarifies how to identify minors with mental illness or IDD, because the identification/forensic evaluation process is different for minors than it is for adults. It also lets the courts know what options they have for minors in this situation, such as whether they should order inpatient or outpatient services.

Incorporating recommendations from the Texas Judicial Commission on Mental Health, SB 2479 allows a licensed mental health professional employed by a local mental health authority to make an electronic application for an emergency detention warrant. It also allows law enforcement officers who transport individuals to a facility for emergency detention to leave the facility after the person is taken into custody by appropriate facility staff and the officer provides to the facility the required documentation. There was interest by legislators to expand the authority to place individuals on a Peace Officer Emergency Detention (POED) to mental health professionals (LPC/LCSW), however it did not receive traction this session.



Housing and Homelessness

The Healthy Community Collaborative (HCC) has been a significant source of state funding for individuals experiencing homelessness and mental illness and/or substance use disorders, through collaborations between public and private sectors. Led by Integral Care, the Austin HCC program has resulted in the implementation of coordinated and effective service delivery in homeless services. This session, the legislature provided an \$8M increase to the HCC grant program. HB 3466 amends existing statute related to Community Collaboratives and adds a new priority grant criterion for entities that are significant providers of services for persons experiencing homelessness in a specific area. It also adds state-funded mental health facilities to the list of programs from which the collaboratives should divert individuals.

HB 1193 addresses housing discrimination by prohibiting a property owner from renting a dwelling to a person based on the person's method of payment (e.g. use of a Section 8 housing voucher or other housing assistance).

While progress has been made in some areas, the homelessness crisis in Texas remains a significant challenge. Ongoing commitment, increased funding, and Permanent Supportive Housing, a holistic evidence-based approach that combines housing, health care, and support services, are essential to make meaningful and sustainable progress in addressing and improving the health and well-being of those experiencing homelessness throughout the state and strengthening the community.



Telehealth

Through HB 9, a \$1.5B investment was made by state lawmakers this session to increase broadband availability across Texas. In addition, Texas will receive more than \$3.3B in federal money – the most of any state – to help expand broadband availability statewide.

SB 1238 aligns existing state statute with updated federal guidelines regarding broadband mapping and availability to ensure that the state can maximize federal funding to enhance broadband access, mapping, and eligibility. SB 2119 requires the Public Utility Commission of Texas to create and annually update a map with information about broadband service across the state to prevent duplicative efforts related to broadband and telecommunications connectivity across certain government programs.

Telehealth has played a significant role in meeting mental health needs during the COVID-19 pandemic and continues to broaden access by giving clients and providers more flexibility.

Suicide Prevention

The latest federal data shows about 10 veterans a week are taking their own lives in Texas, and that number is on the rise. This session, policies aimed at reducing these rising rates revolved around suicide prevention and mental health care to often underserved populations, particularly veterans.

HB 671 requires the Texas Veterans Commission to conduct a suicide prevention campaign to provide veterans with information regarding suicide prevention, and to create a dedicated website to provide information about safely storing firearms.

SB 63 requires the Health and Human Services Commission and Texas Veterans Commission to create an instruction guide for family members and caregivers of veterans with mental health conditions, which must be available on both agency's websites.



Workforce

Community service providers have experienced unprecedented workforce shortages in vital services and extraordinarily high turnover and vacancy rates. Recruitment and retention of qualified staff has been challenging due to the statewide shortage of mental health personnel.

This session, legislators prioritized addressing the workforce shortage with multiple bills and funding initiatives in the budget. HB 2100 and SB 532 will both extend the existing loan repayment program for mental health professionals to all LMHAs, LBHAs, and state hospitals. SB 532 also reduces the program to three years and increases the amount a recipient may receive each year. \$23.9M has been allocated for workforce capacity to LMHAs/LBHAs and LIDDAs and \$28M for mental health loan repayment – which includes mental health professionals working in LMHAs/LBHAs. Community Attendant base wages have also been increased to \$10.60/hr.

HB 400 creates a new psychiatry specialty innovation program and establishes a behavioral health innovation grant program. The continued recognition of the growing demand for mental health services and the need to bolster the mental health workforce is important in meeting the need of Texans across the state. Nearly all Local MH/IDD Authorities (87%) report challenges recruiting and retaining staff. To stabilize the public mental health and intellectual disability workforce operated and/or managed by the Local Mental Health/Behavioral Health Authorities and Local IDD Authorities, The Texas Council of Community Centers recommended \$155M in funding this session based on Consumer Price Index calculation, however only \$23.9M was allocated.

