

Select MH Bills 83rd Legislative Session June 17, 2013

HB 37 – Menendez

Ensures continuation of certain public benefits, including medical assistance, for individuals after release from confinement in a county jail.

Did not pass

HB 205 – McClendon

Requires DSHS to develop a state hospital plan for allocation of beds for civil and forensic patients in state hospitals; creates an advisory panel consisting of representatives from a designated list of organizations.

Directs DSHS to make every effort, through collaboration and contractual arrangements with local mental health authorities, to contract with and use a broad base of local community outpatient mental health service providers and inpatient mental health facilities, to make available a sufficient and appropriately located amount of outpatient mental health services and a sufficient and appropriately located number of beds.

Additionally, directs DSHS to develop a procedure through which a court that has the authority to commit patients in the hospital system is aware of all of the commitment options for the person, including jail diversion and community-based programs.

Did not pass

Amended to HB 3793 - 5/28/13- Enrolled Sent to Governor 6/14/13 – Signed by Governor]

HB 245 – Menendez

Relating to the authority of emergency room physicians and certain certified emergency medical services professionals to hold and transport a person believed to have a mental illness.

Did not pass

HB 369 – Martinez

Relating to transportation of certain mental health patients under court orders in Hidalgo County. Would have allowed a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses to be considered first.

Did not pass

HB 592 – Naishtat /SB 1485 – Watson

Relating to definition of serious mental illness for purposes of certain group health benefit plans.

Did not pass

HB 595 - Kolkhorst

Section 533.005 (a-1) of the Government Code currently sets an August 31, 2013 expiration date for the requirement that MCOs and Pharmacy Benefit Managers use the state's Medicaid Vendor Drug Program formulary, preferred drug list and prior authorization requirements for the prescription drug benefit in the Medicaid program. HB 595 extends this protection provision until August 31, 2018.

5/27/13 – Enrolled Sent to Governor

6/14/13 – Signed by Governor

HB 807 – Zerwas

HB 807 removes the exemption in the occupations code for a professional employed by a governmental agency (but not licensed as a psychologist) to represent themselves as a psychologist. As filled, the bill had implications for any DADS certified professional that provides eligibility determinations and (for example) HCS Behavior Support, ICF Community and GR Community Services as a DADS certified 'psychologist'.

As passed, the bill allows an authorized provider (including licensed professionals certified by DADS per current process and those certified by DADS prior to September 1, 2013) to continue conducting Determinations of Intellectual Disability and (for example) the functions of HCS Behavior Support and ICF Community—as long as the certified, authorized provider does not call themselves a psychologist.

5/27/13 – Enrolled Sent to Governor

6/14/13 – Signed by Governor

HB 808 - Zerwas

Relating to authority of a psychologist to delegate to a person under the psychologist's supervision, including a person training to become a psychologist making it clear that a licensed psychologist employing a PLP or a newly licensed psychologist may delegate certain elements of his or her practice to these individuals, so that insurance companies' managed care panels will reimburse the psychologist for the work performed.

5/20/13 – Enrolled Sent to Governor

6/14/13 – Signed by Governor

HB 868 – Villiarreal

Relating to exceptions to mental health information disclosure prohibitions

Did not pass

HB 915 – Kolkhorst

Relating to administration and monitoring of certain medications provided to foster children. Requires consent for administration of psychotropic medication, valid only if certain conditions are met.

The person authorized to consent must ensure the child has been seen at least once every 90 days by prescribing physician who will monitor the medication side effects and determine

whether the medication is helping the child and, if not, whether continued use of the medication is appropriate.

DFPS shall notify a child's parents of the initial prescription of psychotropic medication to a foster child and any changes in dosage at later scheduled meetings with child's caseworker.

5/20/13 – Enrolled Sent to Governor

5/29/13 – Signed by Governor

HB 978 – Raymond

Changes priority of individuals/entities a court may authorize to transport a committed patient or a patient detained under Section 573.022 or 574.023 to the designated mental health facility by reordering a relative or other responsible person to be considered last.

5/23/13 – Enrolled Sent to Governor

6/14/13 – Signed by Governor

HB 1023 – Burkett

Requires HHSC to use existing information and data to make recommendations regarding mental health workforce shortages. Requires HHSC to submit a report by September 1, 2014,

5/27/13 – Enrolled Sent to Governor

6/14/13 – Signed by Governor

HB 1143 – Strama

Relating to certain mental health and medical services for children in foster care and state conservatorship, including the administration of psychotropic drugs.

Did not pass

HB 1109 – Burkett

Relating to peace officer interaction with persons with mental illness

Did not pass

HB 1191 – Burkett

Requires HHSC to make information regarding housing options for persons with mental illness available through the Texas Information and Referral Network Internet site. The bill establishes that the site should be geographically indexed and searchable, and that the types of housing should be listed. The bill requires each entity providing housing specifically for persons with mental illness to cooperate with the Texas Information and Referral Network.

5/20/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

HB 1213 – Clardy

Relating to authority of a mental health professional or school counselor to disclose certain confidential information, permitting a mental health professional to inform [in addition to law enforcement and medical personnel] an individual or group of persons if threats of harm or violence had been made by a patient.

Did not pass

HB 1470 – Laubenberg

Restricting use of telemedicine including a requirement the physician and patient establish a relationship face to face before a telemedicine service is provided.

Did not pass

HB 1738 – Naishtat

Requires a peace officer to immediately, orally inform the person of reason for emergency detention and to file a notification of emergency detention on a prescribed form. A mental health facility or hospital emergency department cannot require a peace officer to execute any other form as predicate to accepting a person for temporary admission.

5/20/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

HB 1745 – Naishtat

Relating to suicide reporting by hospitals and emergency medical care facilities.

Did not pass

HB 1806 – Smithee

Relating to coverage of telephone consultations and telehealth services or telemedicine medical services under health benefit plans.

Did not pass

HB 1856 – Burkett

Relating to a peace officer's determination whether medical services are needed for persons apprehended for emergency detention before being transported to a inpatient mental health facility.

Did not pass

HB 1947 – Burkett

Relating to definition [gravely disabled] a judge would use when committing a proposed patient to court-ordered inpatient mental health services and to criteria list when a peace officer may take a person into custody without a warrant.

Also would have allowed under specific conditions, mental health facilities, hospitals and emergency rooms licensed under Chapter 241, and freestanding medical care facilities licensed under Chapter 254 to temporarily detain a person expressing desire to leave facility or attempting to leave before receiving a psychiatric examination or treatment; would have

authorized a peace officer to take a person admitted to facility into custody in certain circumstances.

Did not pass

HB 2186 – Workman/SB 937 West

Relating to authority of a facility, hospital or emergency room to detain a patient who seeks initial voluntary treatment. Similar language added as amendment to HB 1947

Did not pass

HB 2295 – Naishtat/SB 938 – West

Payment of Cost in Commitment Hearings

Did not pass

HB 2392 – Menendez

Requires DSHS to expand existing mental health intervention program for veterans, including specialized training for peer-to-peer counselors, jail diversion services and grants to regional and local organizations providing these services.

5/22/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

HB 2401 – McClendon

Relating to provision of community-based services to individuals with mental illness, would have required DSHS to ensure availability of at least one of the following services: crisis stabilization, short-term residential treatment, respite care, or extended observation services; and medical and nursing services through local mental health authorities.

Did not pass

HB 2625 – Coleman/SB 1912 - Garcia

Relating to disease management practices of local mental health authorities, directed LMHAs to provide assessment services, crisis services, and intensive and comprehensive services using disease management practices and incorporate jail strategies for expanded list of mental health disorders .

Did not pass

Amended to following legislation w/ permissive, “to extent feasible” language:

HB 3793 - 5/28/13- Enrolled Sent to Governor [6/14/13 – Signed by Governor]

SB 7 - 5/28/13- Enrolled Sent to Governor [6/14/13 – Signed by Governor]

HB 2880 – Thompson

Relating to rights and duties of hospitals for patients including RN staffing levels

Did not pass

HB 2887 – J. Davis

Requires DSHS to establish or expand community collaboratives through grants for services that address homelessness and mental illness, requiring each entity receiving a grant to leverage

additional funding from private sources in an amount at least equal to amount of grand awarded.

Did not pass

Amended to SB 58 - 5/28/13 – Enrolled Sent to Governor [6/14/13 – Signed by Governor]

HB 3687 – Naishtat

Relating to provision of and funding for certain primary health care services; repealing a fee.

Did not pass

HB 3731 – Coleman

Relating to the date of a hearing on an application for an order to authorize psychoactive medication for a person receiving inpatient mental health services

Did not pass

HB 3793 – Coleman

As amended, contains language of HB 205 (State Hospital Plan), HB 2625/SB 1912 (Disease Management Practices) & SB 955 (Mental Health First Aid)

5/28/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 7 – Nelson

As amended, contains permissive language of HB 2625/SB 1912 to provide services for expanded population to extent feasible and with 1115 T Waiver. See brief relating to IDD services for extensive description of SB 7.

5/28/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 35 – Zaffirini

Relating to the pro re nata administration of psychoactive medication in certain residential health care facilities

Did not pass

SB 44 – Zaffirini

Requires DFPS to study alternatives to child custody relinquishment for obtaining mental health services; to discuss option of joint managing conservatorship with person relinquishing custody; and to file report by September 30, 2014 regarding number of children relinquished to obtain mental health services.

5/28/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 50 – Zaffirini

Authorizes HHSC to appoint 3 additional Children’s Policy Council members to ensure consideration of family member experience regarding children with serious emotional disturbance and other behavioral health conditions.

5/16/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 58 – Nelson

Requires HHSC to integrate behavioral (including case management & rehabilitation) and physical health services in Medicaid managed care by September 1, 2014. HHSC is required to establish two health home pilot programs for persons diagnosed with a serious mental illness and at least one other chronic health condition. HHSC and DSHS are required to establish a Behavioral Health Integration Advisory Committee. If cost-effective and beneficial to recipients, HHSC would be required to include a peer specialist as a benefit to recipients or as a provider type. Amended to include HB 2887 (Community Collaborative), SB 126 (public reporting system) and dual eligible provider on advisory committee.

5/28/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 126 – Nelson

Requires DSHS and HHSC to establish and maintain a public reporting system of performance and outcome measures related to community mental health and substance abuse services. HHSC required to conduct a study to determine the feasibility of establishing and maintaining the system.

5/28/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 152 – Nelson

Requires DSHS to develop information management, reporting, and tracking system for each state hospital to monitor serious allegations of abuse, neglect, or exploitation and develop risk assessment protocols for state hospital employees to use in identifying and assessing possible instances of abuse or neglect.

5/20/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 250 – West

Relating to requirements of using certain technology to conduct mental health hearings or proceedings, requiring patient and attorney be at same location if telecommunications are used to conduct mental health hearings or proceedings

Did not pass

SB 337 – Rodriguez

Relating to coordination of services provided by Medicaid managed care organizations and certain community centers and local mental health or mental retardation authorities

Did not pass

SB 406 – Nelson

Amends Occupations Code to change way physicians delegate and supervise prescriptive authority of advanced practice registered nurses (APRNs) and physician assistants (PAs); allows physicians working in a hospital or long term care facility to delegate prescriptive authority for Schedule II Controlled Substances to APRNs and PAs under certain circumstances.

5/20/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 421 – Zaffirini

Amends Chapter 531 of the Government Code, requiring HHSC to have responsibility for and oversight of the Texas System of Care Consortium, previously known as Texas Integrated Funding Initiative; expands scope of consortium to develop local mental health systems of care for certain children receiving mental health hospitalization or who are at risk of being removed from home for purposes of receiving mental health services.

5/21/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 460 – Deuell

Amends Education Code to require instruction in detection and education of students with mental or emotional disorders as part of training for educator training programs; requires local school health advisory councils (SHACs) to review adopted health education curriculum for accuracy and inclusion of mental health topics & requires school districts to provide training in early mental health intervention and suicide prevention for teachers, counselors, principals, and other appropriate staff. Training at elementary campus level required only to extent that sufficient funding and programs are available.

5/28/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 462 – Huffman

Consolidates Texas statutes relating to specialty courts (i.e., drug courts, mental health courts, & veterans courts) to improve oversight of programs; requires specialty court program to comply with best practices recommended by Specialty Courts Advisory Council and approved by Texas Judicial Council.

5/25/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 646 – Deuell

Amends Chapter 574 of Texas HHS Code, relating to court-ordered outpatient mental health services. Not later than 3rd day after a hearing that may result in the judge ordering a patient to

receive court-ordered outpatient mental health services, the judge shall identify the person the judge intends to designate as responsible for those services. The person responsible shall submit to the court a general program of treatment that must include – care coordination and any other treatment or services, including medication and supported housing, which are available and considered clinically necessary by a treating physician or the person responsible for services to assist the patient in functioning safely in the community.

A patient subject to court-ordered outpatient services may petition court for specific enforcement of court order; court shall order patient to participate in program but may not compel performance. If a court receives information the patient is not complying, the court may modify the order or issue order for temporary detention. DSHS report due to legislature by December 1, 2016.

5/28/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 718– West

Authorizes a person 16 years of age or older to request admission for outpatient mental health services and authorizes a provider of outpatient mental health services to admit or provide services to a person older than 16 years of age and younger than 18 years of age if the parent, managing conservator, or guardian of a person consents, even if the person does not consent to the services.

5/27/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 846 – Van de Putte

Requires the Texas Veterans Commission to coordinate with DSHS to incorporate suicide prevention as a component in training and examination material provided to local county service officers.

5/10/13 - Signed by Governor

SB 955 – Schwertner

Provides structure DSHS administered grants for LMHAs and their contractors to receive Mental Health First Aide (MHFA) instructor training and subsequent training for certain educators

Did not pass

Amended to HB 3793 – 5/28/13 Enrolled Sent to Governor [6/14/13 – Signed by Governor]

SB 1003 – Carona

Requires Criminal Justice Legislative Oversight Committee to appoint independent third party to conduct review of certain criminal justice related facilities regarding use of adult and juvenile administrative segregation including access to mental health services; reentry resources & transitional programs and services; number referred to mental health professionals; average length of stay and recidivism rate. Report due December 31, 2014.

5/28/2013 –Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 1185 – Huffman

Creates a Harris County mental health jail diversion pilot program to be operated by Harris County judge, in coordination with DSHS for purpose of reducing jail recidivism of persons with mental illness; requires county judge to design and test a new criminal justice mental health service model and to seek input and coordinate with local entities. The pilot program shall initially serve no fewer than 200 individuals per year, but is intended to serve 500 to 600 individuals. DSHS report due to legislature by December 1, 2016. Pilot expires September 1, 2017.

5/25/13 –Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 1189 – Huffman

Provides new procedures relating to seizure and disposition of firearms by law enforcement agencies from person taken into custody under THS Code Section 573.001, dealing with emergency detention of person believed to be mentally ill. Provides procedures for person to reclaim a seized firearm and for disposition of firearm held by law enforcement agency or unclaimed firearms.

5/25/13 –Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 1357 – Davis

Relating to the use of administrative segregation or seclusion in county jails

Did not pass

SB 1438 – Paxton

Relating to transportation of certain mental health patients, requiring a person apprehended be transported to nearest appropriate inpatient mental health facility in the county in which person is apprehended; If there no appropriate inpatient mental health facility available in that county, then person would be transported to nearest facility outside the county.

Did not pass

SB 1475 – Duncan

Authorizes DSHS to establish a Jail-Based Restoration of Competency Pilot Program in one or two counties. Establishes input of stakeholder workgroup, and outlines provider qualifications, including opportunity for LMHA to provide this service if selected. If DSHS implements the program, report to be submitted to legislature by December 1, 2016. Pilot program expires September 1, 2017.

5/25/13 – Enrolled Sent to the Governor

6/14/13 – Signed by Governor

SB 1591 – Zaffirini

Relating to emergency detention of persons with mental illness, eliminating requirements for a warrant for emergency detention.

Did not pass

SB 1595 – Zaffirini

Relating to nature of delivery of services to a person with mental illness, requiring delivery of least restrictive services, treating person as voluntary patient when possible and using involuntary interventions only as last resort.

Did not pass

SB 1752 – Uresti

Relating to advance directives for persons with mental illness

Did not pass

SB 1889 – Eltife

Grants HHSC authority to authorize DSHS to enter into reciprocal agreements between states to address transporting an individual back to individual's home state to receive appropriate treatment. DSHS must coordinate with mental health facility, a mental hospital, health service providers, courts, and law enforcement personnel located in geographic area nearest the petitioning state.

5/24/13 – Signed by the Governor

6/14/13 – Signed by Governor