

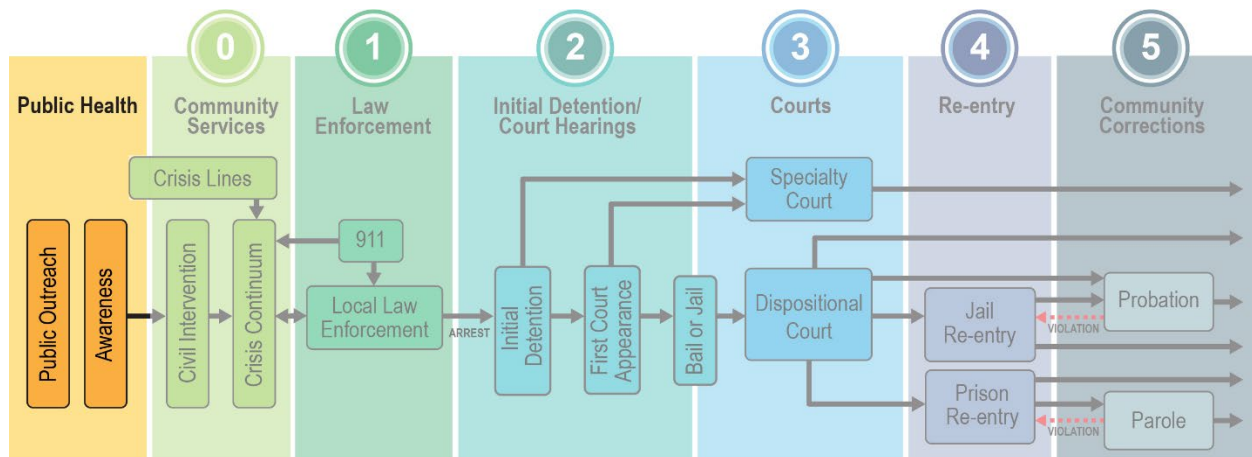


88th REGULAR SESSION

# LEGISLATIVE SUMMARY

*MENTAL HEALTH AND IDD BILLS BY  
SEQUENTIAL INTERCEPT MODEL*

## PUBLIC HEALTH



[SB 182](#) Relating to the required report of criminal offenses committed against individuals receiving certain state agency services including DFPS and TJJD. (Sen. Miles, Rep. Rose)

[SB 477](#) Relating to accommodating voters with a disability. Require election officer to give priority to a voter with a mobility problem. (Sen. Zaffirini, Rep. Bucy)

[SB 532](#) Relating to providing mental health services information to certain higher education students and to the repayment of certain higher education loans. Adds state hospital and LMHAS to places eligible for loan reimbursement workers. (Sen. West, Rep. Kuempel)

[SB 1606](#) Relating to evidence and orders regarding intellectual disability or mental condition in certain guardianship proceedings. (Sen. Zaffirini, Rep. Leach)

[SB 1727](#) Relating to the continuation and functions of the TJJD, the functions of the office of the independent ombudsman for the TJJD, and the powers and duties of the office of inspector general of TJJC. (Sen. Schwertner, Rep. Canales)

[SB 1930](#) Relating to policies and procedures regarding children placed by the Department of Family and Protective Services in a residential treatment center or qualified residential treatment program. (Sen. Kolkhorst, Rep. Dutton)

[HB 9](#) This bill would allocate \$1.5 billion to an infrastructure fund that is meant to expand internet availability in a state where seven million people lack access to the service. (Sen. Huffman, Rep. Hinojosa)

[HB 12](#) This bill will extend Medicaid coverage for low-income Texans for a full year after childbirth. (Sen. Kolkhorst, Rep. Rose)

[HB 25](#) Relating to wholesale importation of prescription drugs in this state (Rep. Talarico, et al Sen. Kolkhorst)

[HB 400](#) Relating to innovation grant programs to support residency training programs in psychiatric specialty fields and recruitment, training, and retention programs in behavioral health fields. (Rep. Klick, Sen. Kolkhorst)

[HB 567](#) Relating to discrimination on the basis of hair texture or protective hairstyle associated with race. (Rep. Bowers, Sen. Miles)

[HB 1337](#) Limitations on access to psychiatric medications can negatively impact patient health and place additional strain on the mental health workforce. Commercial health plans have required individuals with serious mental illness to "fail first" on more than one medication before covering the prescriber's first choice. This bill limits the number to one for a patient to "fail" on a cheaper medication before insurance is required to approve the originally prescribed medication. (Rep. Hull, Sen. Menendez)

[HB 1357](#) Currently, the state Medicaid program provides reimbursement for medication-assisted opioid or substance use treatment. There is currently a sunset date (or designated end date) that requires HHSC to continue providing reimbursement for these treatments. HB 1357 removes this end date, making Medicaid reimbursement for medication-assisted treatment for opioid or certain substance use disorders permanent in state law. (Rep. Holland, Sen. Huffman)

[HB 1455](#) Relating to health care benefits of person wrongfully imprisoned. Extends to spouse and dependents. (Rep. Anchia, Sen. Johnson)

[HB 1486](#) Relating to the adoption of a mental health leave policy for certain telecommunicators including police and dispatch. (Rep. Gerdes, Sen. Whitmire)

[HB 1926](#) Stops the expiration date of supplemental special education services program. Keeps SSES program and funding created during COVID. (Rep. Hull, Sen. Paxton)

[HB 2059](#) Relating to Mental Health First Aid Training provided by LMHA and LBHA; HHSC shall provide grant funding for this MH First Aid Training. (Rep. Price, Sen. Zaffirini)

- Changes DSHS to HHSC and adds LBHAs to statute.
- Changes cap of reimbursement to LMHAs/LBHAs for cost of MHFA training so that LMHAs/LBHAs can be reimbursed the full cost.

Updates who can be provided MHFA with HHSC funding.

[HB 2100](#) Relating to eligibility requirements for student loan repayment assistance for certain mental health professionals. (Rep. Price, Sen. Schwertner)

[SB 2120](#) Establishes a family protection representation program within the Texas Indigent Defense Commission. (Sen. Zaffirini, Rep. Cook)

[SB 2304](#) Relating to the regulation of driver education courses and driving safety courses and the provision of information regarding the Texas Driving with Disability Program to certain public-

school students. Schools must provide Information on the DWD program in Drivers' Ed. Programs. Adds an option for individuals to disclose on their driver's license a disability or difficulty communicating. (Sen. LaMantia, Rep. Hernandez)

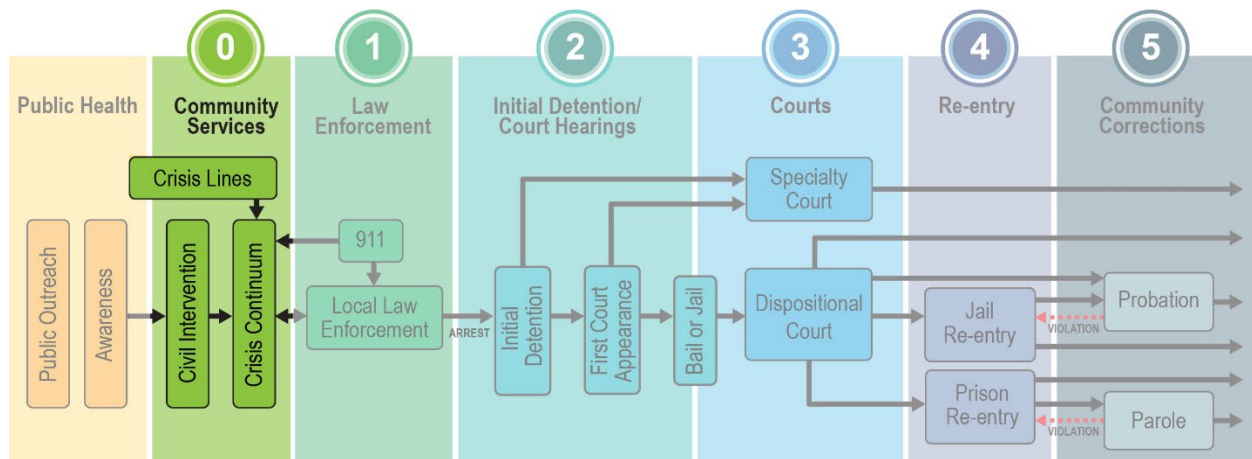
[HB 2384](#) Relating to court administration including the knowledge, efficiency, training, and transparency requirement for candidates for or holders of judicial offices. (Rep. Leach, Sen. Hughes)

- Gives SCOT responsibility for Judicial Education program
- Establishes Ballot application requirements
- Judicial education requirements
- Provision to report certain court performance measures

[HB 3132](#) Relating to an optional designation on a driver's license or personal identification certificate indicating that a person is deaf or hard of hearing. (Rep. Guerra, Sen Eckhardt)

[HB 3554](#) Relating to increasing the criminal penalty for the offense of trafficking of person if committed at certain locations. (Rep. Thierry, Sen. Whitmire)

## Intercept 0: COMMUNITY SERVICES



[SB 2479](#) (Sec. 1): Permits licensed mental health professionals to make an electronic application for an emergency detention warrant from a judge. The code previously stated only physicians could make this request electronically. Also amends the Texas Code of Criminal Procedure article 16.22, which mandates an interview and report for individuals who are suspected of having a mental illness or intellectual disability, to include Class C misdemeanors, instead of only applying to Class B or higher. This allows early identification of these issues on all offenses. (Sen. Zaffirini, Rep. Moody)

[SB 26](#) Relating to LMHA and LBHA audits and mental and behavioral health reporting, services, and programs (Sen Kolkhorst, Rep. Jetton)

- Requires implementation of an innovation grant program for mental health early intervention and treatment of children and families (HB 1 has \$30M over the biennium).
- Office of Inspector General will conduct performance audits of Local Mental Health/Behavioral Health Authorities (LMHAs/LBHAs) every five years.
- LMHAs will be required to provide transition support services upon discharge for patients who have been in the hospital over a year or who have had multiple admissions.
- HHSC to establish and maintain a public reporting system of mental health performance and outcome measures on the website.

[SB 52](#) Relating to the right of state hospital patients to designate an essential caregiver for in-person visits to prevent a covid-like lockout of a person's visits. (Sen. Zaffirini, Rep. Smith)

[SB 63](#) Relating to an instruction guide for family members and caregivers or veterans who have mental health disorders. Requires HHSC and TVC to jointly produce and make publicly available

an instructional guide for family members and caregivers of veterans with mental health disorders. (Sen. Zaffirini, Rep. Raymond) Effective Immediately.

[SB 189](#) Relating to the creation of a criminal offense concerning the failure of certain person to report mistreatment of residents of group homes. Owners of buildings where residents are mistreated will be held responsible. (Sen. Miles, Rep. Rose)

[SB 944](#) relating to the commitment order for individuals with ID who are committed to SSLCs. (Sen. Kolkhorst and Rep. Lambert)

[SB 1624](#) Relating to guardianships and services for incapacitated person and to the emergency detention of certain persons with mental illness. (Sen. Zaffirini, Rep. Leach)

[SB 1677](#) Relating to the establishment or expansion of behavioral health centers or jail diversion centers in certain local mental health authority service areas. (Sen. Perry, Rep. Price)

- Rural initiative - Requires HHSC, in coordination with LMHAs located primarily in rural areas, to develop a new grant program to establish or expand regional behavioral health centers or jail diversion centers.
- HHSC will need to develop a new procurement, establish new programs, and manage the program requirements of these contracts with nonprofit organizations and governmental entities.
- HB 1 CCR contingency rider for SB 1677 appropriates \$3M over the biennium.
- Makes changes to existing statute related to Community Mental Health Grant and Mental Health Grant Program for Justice Involved Individuals, specifically requiring HHSC accept applications from new applicants not previously selected if additional funds are appropriated.

Amended by Oliverson to include the text from HB 2337, a Medicaid bill (relating to the provision of certain intensive outpatient services and partial hospitalization services under Medicaid).

[HB 186](#) relating to the county in which an application for court-ordered MH services must be filed; permits application to be filed in county in which person is being assessed in an ER or hospital. Prohibits the release to unlicensed home unless no other placement exists or is available. (Sen. Miles, Rep. Rose)

[HB 617](#) Relating to a pilot project to provide emergency telemedicine medical services and telehealth services in rural areas. Regional trauma resource centers will provide instruction to health care providers in trauma facilities in rural (50,000 population or less) areas via telehealth

[HB 671](#) Requiring the Texas Veterans Commission to create a suicide prevention education campaign (Rep. Gonzalez, Sen. Eckhardt)

[HB 1009](#) Relating to imposing requirements (background checks for caregivers of persons with IDD) on the employment of or contracts for providing services to individuals with an IDD, including requiring certain facilities and Medicaid providers to conduct criminal history record information and employee misconduct registry reviews and to suspend the employment or contracts of individual who engage in reportable conduct; policing administrative penalties. (Rep. Turner, Sen. West)

[HB 1283](#) Our state Medicaid single drug formulary is a list of approved prescription medications individuals on Medicaid can access. This list includes input from patient advocates, doctors, and the general public at the Drug Utilization Review Board (DURB) meetings. This bill will allow continuation of our current procedures by DURB to uphold the statewide singular drug formulary for Medicaid. (Rep Oliverson, Sen. Hughes)

[HB 1457](#) Relating to the military informed care or military cultural competency training for certain personnel of entities that provide mental health services to veterans or veterans' families before award of a state agency grant. If you provide military/veteran mental health care, requires training on military informed care. (Rep. Rosenthal, Sen. Blanco)

[HB 1673](#) Relating to training requirements for staff members of certain assisted living facilities that provide care to persons with Alzheimer's disease and related disorders. (Rep. Capriglione, Sen. Johnson)

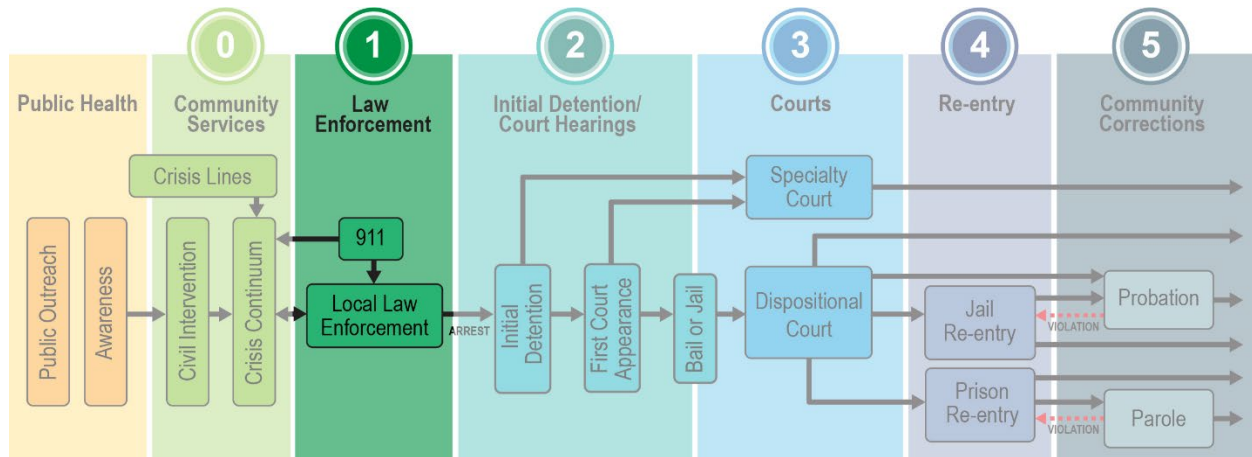
[HB 3009](#) Relating to the health care providers authorized to examine a person to determine whether the person is incapacitated for purposes of certain guardianship proceedings; Allows APRNs to do the examination. (Rep. VanDeaver, Sen Zaffirini)

[HB 3466](#) Relating to the administration of a grant program for the establishment and expansion of community services. (Rep. Campos, Sen. Campbell)

- Adds an entity eligible for special consideration with Healthy Community Collaborative (HCC) grant awards – entities that provide services to an average of at least 50% of persons experiencing homelessness.
- Adds requirement for entities awarded an HCC grant to provide evidence of local law enforcement policy to divert people from mental health facilities operated by or under contract with HHSC.

[HB 4128](#) Relating to associate judges for guardianship proceeding and protective services proceedings in certain courts. (Rep. Murr, Sen Zaffirini)

## Intercept 1: LAW ENFORCEMENT



[SB 2479](#) (Sec. 3): Clarifies that a law enforcement officer does not have to remain at a healthcare facility or emergency room after transporting someone under an emergency detention warrant who is in a mental health crisis, thereby allowing the officer to get back on the job quicker. (Rep. Zaffirini, Rep. Moody)

[SB 728](#) relating to the reporting of MH & IDD information with respect to certain children for purposes of a federal firearm background check; passed Senate & received by House. Requires people who are 16+ who receive court-ordered MH services, NGRIs or lack of responsibility, IDD commitments, ISTs, unfit to proceed & lack of responsibility, and adult wards to be entered into FBI/NICS and DPS. (Sen. Huffman, Rep. Leach)

[SB 1585](#) – Chapter 55 rewrite package updates outdated terminology, expands a judge’s discretion to order outpatient services when available and appropriate, incorporates the Texas Health & Safety Code criteria for court-ordered mental health services into the Texas Family Code, improves the quality and value of expert examinations and reports, expands a judge’s discretion in transferring certain cases to adult criminal court; and clarifies an ambiguity regarding a youth who is found unfit to proceed or to lack responsibility for their conduct but does not meet criteria for court-ordered services. (Sen. Sparks, Rep. Leach)

[HB 767](#) Relating to the entry into Texas Crime Information Center of certain information regarding conditions of bond for stalking offense. (Rep. Harless, Sen Kolkhorst)

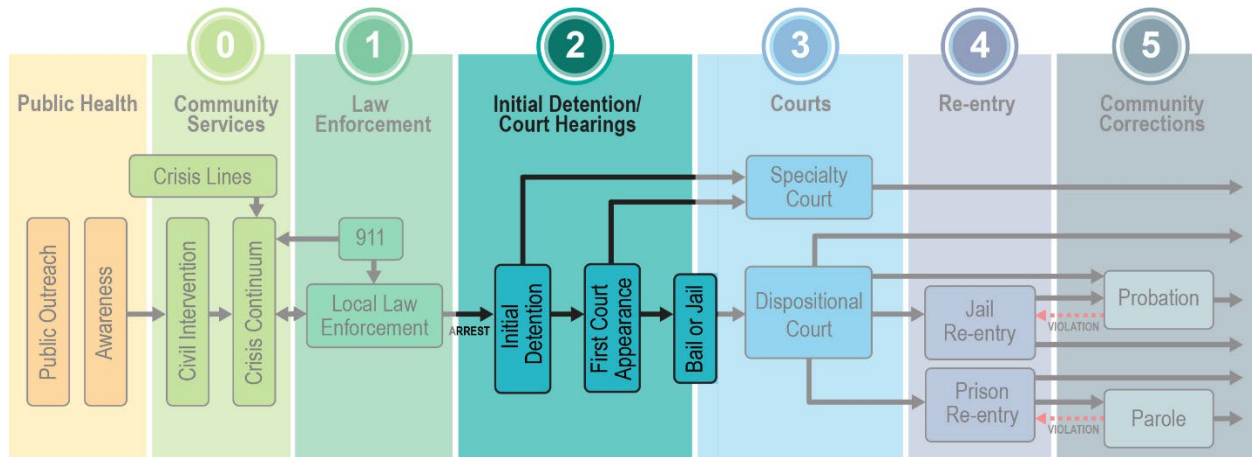
[HB 1819](#) Relating to the repeal of the authority of political subdivisions to adopt or enforce juvenile curfews. (Rep. Cook, Sen. Hughes)

[HB 3186](#) relating to youth diversion strategies...; creates extensive diversion program for kids charged with fine-only misdemeanors. (Rep. Leach, Sen. Zaffirini)

[HB 3858](#) Allows HHSC to create a grant program for officer wellness programs within certain law enforcement agencies. (Rep. Frazier, Sen. Johnson)



## Intercept 2: INITIAL DETENTIONS/COURT HEARINGS



[SB 2479](#) (Sec. 2): Amends the law created by SB 6 in the 87th session to reconcile the conflicts related to offenses that are eligible for personal bonds and offenses that allow for a mental health personal bond. This provision clarifies that individuals who are charged with certain non-violent offenses are eligible for a mental health personal bond.

[HB 841](#) Mandates OCA to collect case-level data to better evaluate court performance. (Rep. Ordaz Perez, Sen. Middleton)

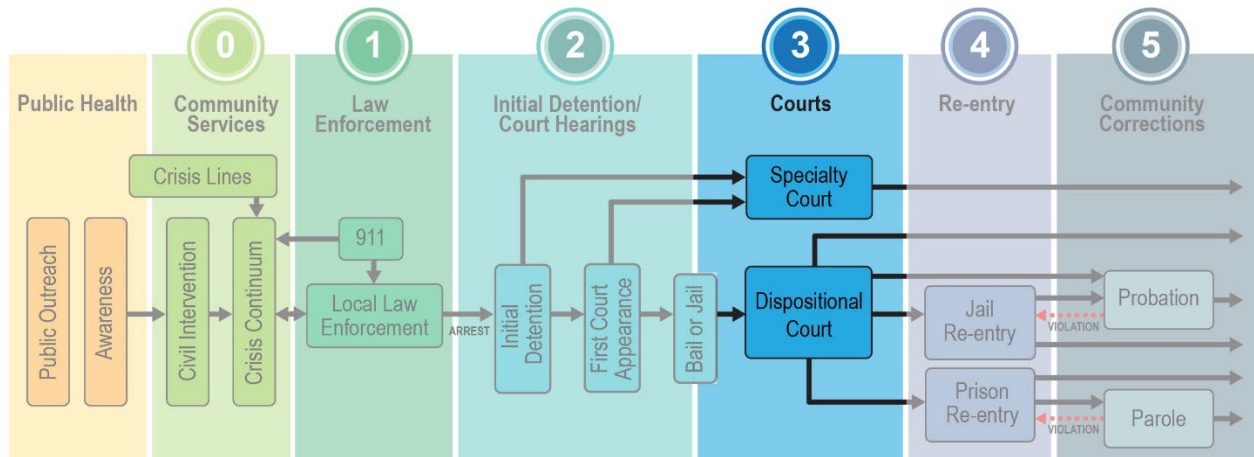
[HB 1182](#) Relating to judicial statistics and other pertinent information gathered by the Texas Judicial Council and certain populous counties, improving the monthly reporting to OCA. (Rep. Harless, Sen. Whitmire)

[HB 1712](#) Relating to the inclusion of a magistrate's name on certain signed orders. Magistrate's name must be legible on the orders and bond. (Rep. Canales, Sen. Alvarado)

[HB 4085](#) Relating to the payment by the state or a county of costs for certain mental health hearings or proceedings. (Rep. Spiller, Sen. Perry)

[HB 5195](#) Relating to the services provided to certain children detained in a juvenile detention facility. (Sen. Thompson, Rep. Morales Shaw)

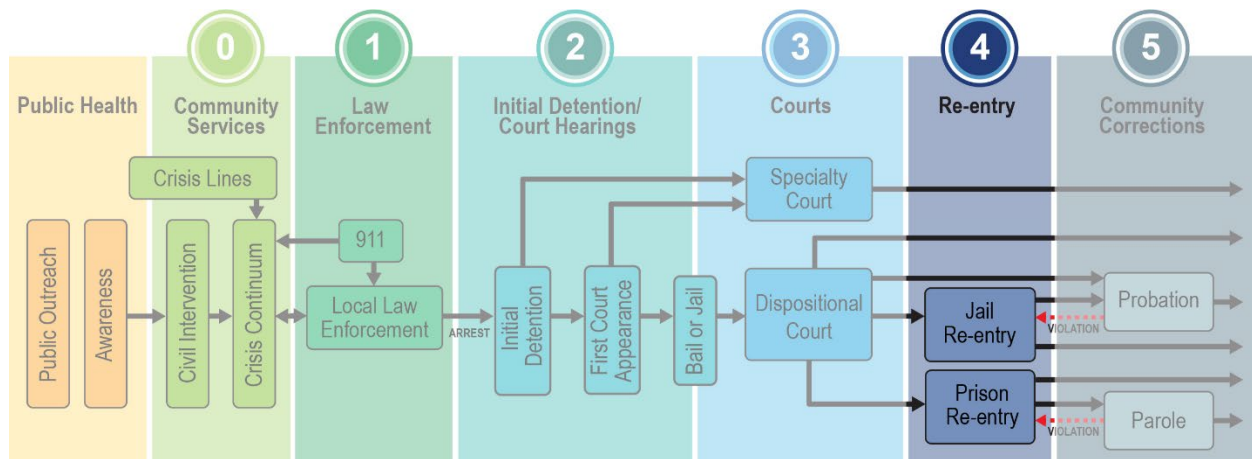
### Intercept 3: COURTS



[SB 2479](#) (Sec. 4): Permits blood draws to monitor medication levels for patients who are already subject to an order for involuntary psychoactive medications. The code previously required two separate orders: one to administer the psychoactive medications and another to monitor the medications by blood draws. (Sen. Zaffirini, Rep. Moody)

[HB 422](#) Relating to remotely conducting detention hearings in juvenile cases. (Rep. VanDeaver, Sen. Perry)

## Intercept 4: RE-ENTRY



[HB 1743](#) Relating to a memorandum of understanding between HHSC and TDCJ to assess the eligibility of certain inmates for supplemental nutrition assistance program benefits on discharge or release from confinement. HHSC must interview inmates before release to determine SNAP eligibility so that upon release from TDCJ, they can start getting SNAP benefits. (Rep. Leach, Sen. West)

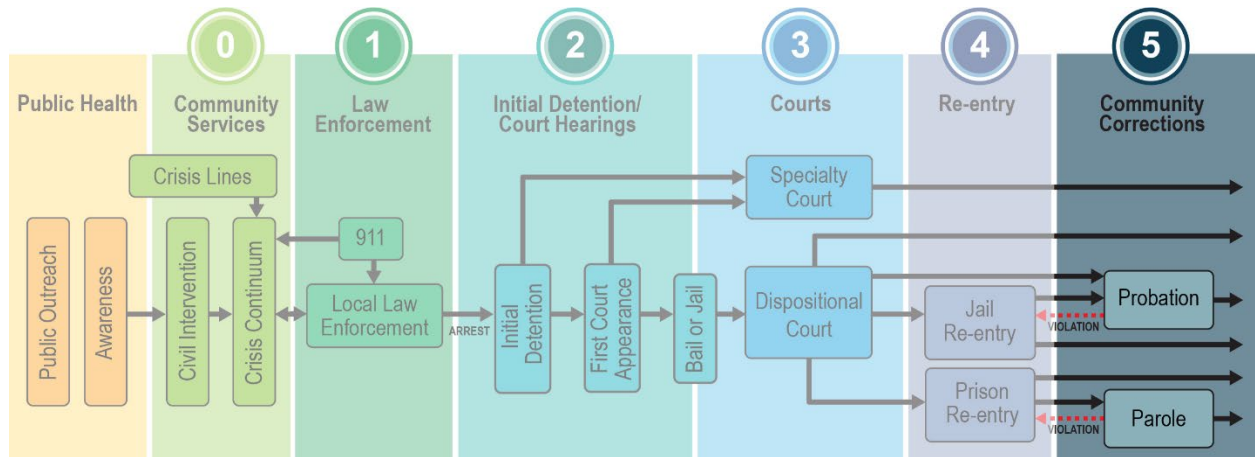
[SB 1146](#) Relating to the medical transportation and care for certain inmates in the Texas Department of Criminal Justice. (Sen. West, Rep. Klick)

### Rider 35. Continuity of Care.

(a) Out of the funds appropriated in the Special Needs Programs and Services, the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) shall coordinate with county and municipal jails, and community centers as defined in the Health and Safety Code Section 534.001 on establishing methods for the continuity of care for pre- and post-release activities of defendants who are returned to the county of conviction after the defendant's competency has been restored.

(b) As part of the Continuity of Care Plan and in an amount not to exceed \$500,000 each fiscal year, TCOOMMI shall provide up to a 90-day post-release supply of medication, related lab cost and prescriber cost to defendants who, after having been committed to a state mental health facility for restoration of competency under Chapter 46B, Code of Criminal Procedure, are being returned to the committing court for trial. The up to 90-day supply of medication shall be the same as prescribed in the Continuity of Care Plan prepared by the state mental health facility. Out of funds appropriated in the Special Needs Programs and Services, TCOOMMI shall enter into a memorandum of understanding with county and municipal jails or through contracted community centers as defined in the Health and Safety Code Section 534.001 for the purpose of reimbursing each entity in an amount not to exceed \$500,000 each fiscal year for providing medication to defendants. TCOOMMI shall report amounts reimbursed to each entity to the appropriate legislative oversight committees by October 1 of each fiscal year.

## Intercept 5: COMMUNITY CORRECTIONS



[SB 1725](#) Relating to the expunction of certain convictions or arrests of a minor for certain alcohol-related offenses. (Rep. Leach, Sen. Zaffirini)

[SB 1849](#) Relating to an interagency reportable conduct search engine, standards for a person's removal from the employee misconduct registry and eligibility for certification as certain Texas Juvenile Justice Department officers and employees, and the use of certain information by certain state agencies to conduct background checks. (Sen Kolkhorst, Rep. Noble)