

Children's Mental Health: 82nd Legislative Session - Bills as Filed

This list of legislation provides an overview of key bills as filed being tracked by the Texas Children's Mental Health Forum. It does not reflect all legislation filed which stands to impact children's mental health and well-being, nor do the descriptions reflect changes which may have been made in committee substitutes of the bills. Inclusion of a bill on this list does not indicate a position of support or opposition by the Texas Children's Mental Health Forum, or its co-conveners, Texans Care for Children and the Texas Health Institute, but is provided to serve as an informational resource to stakeholders interested in children's mental health and well-being in the Texas 82nd Legislative Session. To view the full text of these or other bills or to find out their status, please visit: <http://www.capitol.state.tx.us/>

Access to Treatment & Services:

- HB 293 by Berman would prohibit children who are born to parents who are undocumented from receiving any state benefits
- HB 503 by Walle would remove the asset check requirement from the eligibility determination process for children's Medicaid and the child health plan program
- HB 823 by Farrar would provide liability protection to social workers who provide volunteer health care services to charitable organizations
- HB 1192 by Castro and SB 574 by Van de Putte would require private insurance plans to provide coverage for children with serious emotional disturbance (SED)
- HB 1258 by Kolkhorst would require Federally Qualified Health Centers (FQHCs) to provide mental health services
- HB 1266 by Coleman and SB 1260 by Ellis would license Advanced Practice Registered Nurses and provide these nurses with the authority to prescribe and order prescription drugs
- HB 1292 by Coleman relating to coverage of certain eating disorders as serious mental illnesses under certain group health benefit plans
- HB 1718 by Rodriguez would require DSHS to establish/maintain registry of qualified health care foreign & sign language interpreters. Would require health care practitioners (includes MH care) to provide an interpreter not associated w/ the patient and at no cost to the patient. HHSC would need to establish rules to implement, and may establish reasonable fees to cover costs of maintaining registry
- HB 1744 by Allen relating to health benefit plan coverage for certain children diagnosed with autism spectrum disorder, requiring certain plans to cover therapy to develop appropriate social, emotional, and interpersonal skills; would also require parent/guardian input into development of treatment plan
- SB 206 by Van de Putte & HB 35 by Menendez would extend a project that created a cross-system coordinated behavioral health intervention pilot for children in Bexar County until 2012
- SB 846 by Patrick would allow advanced practice nurses practicing in sites serving medically underserved populations to provide "limited health services" without supervision of a physician, with services including prenatal care and well-child checks
- HB 2228 by Coleman would require certain health benefit plans to provide coverage for enrollees birth to age 18 for injuries from a suicide attempt, regardless of whether health benefit plan provides mental health coverage

- HB 2270 by Castro would add items to the definition of rehabilitative and habilitative therapies in the Insurance Code and require certain health benefit plans to provide coverage for these therapies in accordance with an Individualized Family Service Plan (IFSP) issued by Early Childhood Intervention (ECI)
- HB 2300 by Coleman would require mental health and substance abuse treatment parity coverage under certain health plans
- HB 2368 by Parker would require copays for adult Medicaid services (children under 21 and pregnant/postpartum women, among others, would NOT have to pay copays)
- HB 2427 by Thompson, referred to as the “Hospital Patient Protection Act”, related to nursing ratios, staffing requirements in various settings (including newborn intensive care, L&D, Postpartum, Nurseries); would also impact nurses in facilities providing MH care
- HB 2445 by Coleman would require HHSC to adopt rules to foster collaboration among health care systems to provide indigent health care to communities more efficiently, including hospital districts; public hospitals; county indigent health care programs counties; community-owned health care systems; and FQHC’s; the rules would need to include providing guidance to systems for detecting and treating mental illness
- HB 2474 by Marquez would raise CHIP income eligibility to 300% FPL (from current 200% FPL); would allow work-related expenses to be deducted from net family income when determining eligibility; HHSC would be required to keep benefits as recommended by 1998 CHIP interim reports and must cover benefits as provided by plan on June 1, 2003
- HB 2610 by Guillen would require HHSC to establish a statewide community-based navigator program to recruit, train, and certify as navigators volunteers and other representatives of faith- and community-based organizations to assist individuals applying for benefits through the Texas Integrated Eligibility Redesign System (TIERS)
- SB 1339 by West relating to the authority of advanced practice registered nurses to make medical diagnoses and to prescribe and order prescription drugs and devices
- HB 3146 by Naishtat and SB 1448 by Zaffirini would allow a psychologist, social worker, professional counselor, or chemical dependency counselor to provide information related to treatment for chemical dependency to a patient to meet existing informed consent provisions; currently, only physicians are able to provide this information
- SB 1446 by Zaffirini relating to modifications of eligibility criteria, processes, and systems used in certain state benefits programs designed to improve efficiency
- HB 636 by Zerwas; HB 3402 by Coleman; SB 1510 by West, and SB 1782 by Ellis each relate to creating a state run health insurance exchange
- SB 1449 by Zaffirini relating to an alternative method of satisfying certain licensing and program participation requirements for chemical dependency treatment facilities
- HB 3136 by Shelton would require HHSC to identify changes to the Medicaid program to increase efficiency and reduce program cost if implemented, but which changes are restricted under federal law
- HB 3406 by Naishtat relating to the authority of a psychologist to delegate certain acts to a person under the psychologist's supervision
- HB 1946 by N. Gonzalez and SB 1550 by Rodriguez would require HHSC to adopt rules allowing a community center to use seclusion during an emergency behavioral intervention on a person who is receiving crisis intake services from the center
- HB 3145 by Naishtat would require HHSC to add a surcharge to the licensing fees for a chemical dependency counselor to fund approved peer assistance programs for chemical dependency counselors.
- HB 2933 by Castro would require health benefit plan issuers to report to Texas Dept. of Insurance the number, type, and geographic location of claims for the treatment of a serious mental illness of a child younger than 18 years of age

Court Ordered Treatment:

- HB 39 by Menendez would allow a court to extend outpatient mental health services to someone who previously received court ordered inpatient and outpatient mental health services
- HB 836 by Shelton would allow courts to compel treatment of individuals with mental illness with psychoactive medication; would allow guardians of individuals 16 or older w/ intellectual disability w/ mental age of 16 and younger to voluntarily admit the person into inpatient psychiatric facility for up to 14 days
- HB 2037 by Madden would allow a physician treating a defendant found incompetent to stand trial may file a court order to authorize forced treatment with psychoactive medication
- SB 47 by Nelson would prohibit standing orders to administer psychotropic medications in residential facilities, unless in emergency or by court order, and require staff in residential facilities to attend training related to patients' right to consent to treatment, alternative methods to calm residents, and proper administration of psychotropic medication
- SB 1161 by Wentworth would authorize forced treatment, including psychotropic medication, counseling, and refraining from drugs/alcohol, if person has received involuntary inpatient treatment 6 or more times in past year; failure to comply w/ treatment could lead to apprehension under emergency detention provisions in the Mental Health Code

School System:

- HB 284 by Lucio III would limit counselors' non-counseling activities
- HB 285 by Lucio III would lower counselor to student ratios from 1:500 to 1:300
- SB 405 and SB 406 by Lucio & HB 1017 and HB 1018 by Castro would require schools to provide notification either on website or by letter to parents if no school counselor assigned to campus for 30+ days in same school year
- HB 1394 by Castro would require reporting on district/schools number of full time counselors and nurses
- HB 348 by Walle would require school security personnel to receive training, with content that includes: child development/psychology; positive behavioral intervention and supports; children with special needs; and cultural competency
- HB 357 by Rodriguez/SB 35 by Zaffirini; and SB 596 by Shapiro would require schools to begin Transition Planning for special education students by age 14 years of age
- HB 387 by S. Turner would give parents of special education student right to take off work to meet with school about student
- SB 87 by Lucio would require TEA to create various "Professional Development Institutes" for teachers & paraprofessionals relating to research based instructional services for students w/ disabilities, with focus on autism
- SB 291 by Watson would move alcohol awareness requirements from Health to Science curriculum
- SB 471 by West and HB 1114 by Parker would require schools and child care facilities to adopt policies addressing sexual abuse and other maltreatment of children
- HB 1340 by Walle would plan for the alignment of state resources to support local level implementation of school-wide positive behavioral interventions and supports (SW-PBIS)
- HB 1827 by McClendon would grant parents/caregivers the right to take unpaid time off work to participate in certain activities related to their children in child care through 12th grade
- HB 2343 by Coleman relating to the creation of Asher's Law, originally filed as HB 1386, which would direct the Department of State Health Services (DSHS) in conjunction with the Texas Education Agency (TEA), to develop a comprehensive suicide prevention program for implementation in public junior, middle, and high schools

- SB 1328 by Watson relating to optional dispute resolution methods for school districts and parents of students seeking or receiving special education services
- SB 1394 by Van de Putte relating to a requirement that a person hold a license issued by the appropriate state agency to be employed as a marriage and family therapist by a school district

Bullying:

- HB 24 by Guillen would allow schools to place students into a disciplinary alternative education placement (DAEP) if they engaged in harassment (as defined in the Penal Code), taking place on school grounds or off school grounds and sent or received using school equipment
- HB 130 by Alvarado would require DFPS to create a bullying hotline/website for students to report incidents; website may include prevention information
- HB 170 by Raymond would require schools to place students who engage in bullying into DAEP
- HB 224 by Strama/ SB 242 by W. Davis would require school staff to receive training preventing, identifying and responding to bullying; would also allow schools to transfer student engaged in bullying activities to be moved to another class or campus
- HB 1059 by Menendez addresses reporting, investigating, notifying parents of victim & perpetrator of bullying
- HB 1348 by Marquez would amend the definition of bullying and require school boards to adopt policy concerning bullying & provide training in preventing, identifying, responding to and reporting bullying to staff, students and parents
- HB 1467 by Luna Hernandez would require school staff training addressing bullying & cyberbullying; creates criminal offense for student who engages in bullying/cyberbullying, parents could be held liable of negligence if they fail to control or discipline their child who engages in bullying behavior, both punishable by up to \$100 fine (funds to be used for school bully training)
- HB 944 by Dukes and SB 736 by Hinojosa would require local school health advisory councils (SHACs) to report to their school boards the councils' recommendations related to policies, programs, and resources on dating violence, bullying and sexual harassment
- HB 1942 by D. Patrick would address bullying awareness, prevention, identification, reporting, and intervention; includes peer mediation, student engagement, and leadership strategies to prevent and respond to bullying
- SB 42 by Zaffirini would amend the Education Code's definition of bullying to include electronic communication ("cyberbullying") in sections related student discipline and related to victim of bullying request to be transferred to another school
- SB 183 by Wentworth would require school districts to place students in DAEP for harassing or threatening behavior toward teachers
- SB 205 by Whitmire would require school districts to adopt policies prohibiting bullying, cyberbullying, harassment, and intimidation
- SB 863 by Rodriguez and HB 3440 by Pickett would amend the Education code to create a school offense (Class B misdemeanor) if a student engages in bullying behavior towards a school district employee if the employee is targeted because of his/her association with the district

School Discipline:

- HB 195 by Walle would change "serious or persistent misbehavior" to "serious and persistent misbehavior" in a DAEP as grounds for a student to be expelled and referred to juvenile court
- SB 48 by Zaffirini would require school districts to report to TEA on disciplinary actions and placements
- SB 345 by Gallegos would require school administrators overseeing student discipline to attend periodic training on discipline management

- HB 349 by Walle would require school districts to track and report on the use of restraints and Class C misdemeanor tickets written to students
- HB 619 by Dutton would require alternative education programs to offer a behavior modification course
- HB 622 by Hochberg would limit schools' discretion in expelling students from DAEP; Defines "serious & persistent misbehavior" that can lead to expulsion from DAEP
- SB 593 by West would require schools to report on disproportional disciplinary actions by against students of a particular race or ethnicity or students enrolled in a special education program

Child Care:

- SB 265 by Zaffirini would create standards on who can train child care staff and require training content to be age-appropriate & relevant
- SB 260 by West would increase the number of pre-service and annual training hours child care employees must have
- SB 264 by Zaffirini would require local workforce boards to provide information on quality child-care indicators for each child care provider in their region
- HB 3670 by Carter would require DFPS to establish and implement statewide accreditation standards for facilities that provide child care training to child care employees or directors

Child Welfare and Protection:

- SB 219 by Nelson would expand training related to trauma informed care in child welfare system (parents, caregivers, health providers)
- SB 269 by Uresti would mandate DFPS to provide the "Foster Care Bills of Rights" to all youth in care, which would include rights related to mental health services
- SB 681 by West would establish a task force to study the assessments used by the Department of Family and Protective Services (DFPS) to determine placement, treatment, and service needs for a child
- SB 471 by West and HB 1114 by Parker would require schools and child care facilities to adopt policies addressing sexual abuse and other maltreatment of children
- HB 2820 by Farias relating to the establishment of a pilot program in Bexar County to provide an educational course to certain parents on the effects of child abuse and neglect
- HB 1262 by Thompson and its companion SB 820 by Harris would require courts deciding custody or visitation orders of children under 3 years of age to take into consideration various factors, including the developmental and behavioral needs of the child; the emotional, economic and social conditions of the parents; and child's need to develop healthy attachments, among other factors
- HB 2855 by Charlie Howard would require parents with a child under age 18 who are filing for a divorce on grounds of "unsuitability" to attend a "marriage education course" that includes potential effects of divorce on a child

Juvenile Justice System:

- HB 164 by Raymond would allow judges to order chemical dependency screenings on any youth in the juvenile justice system
- HB 592 by Pitts and SB 628 by Birdwell would change the population of counties required to operate a juvenile justice alternative education program (JJAEP) from 125,000+ to 180,000+
- HB 768 by Lozano would allows associate judges to preside over drug courts
- HB 1309 by Craddick would make it a criminal offense for a minor who intentionally & knowingly shares electronic visual images of a minor engaging in sexual conduct; would require convicted youth defendants & their parents to attend education program after the conviction addressing legal and social consequences of sharing such images

- SB 823 by Carona would expand the continuing education training requirements for judges and attorneys involved in juvenile justice proceedings regarding mental illness and substance abuse
- SB 863 by Rodriguez and HB 3440 by Pickett would amend the Education code to create a school offense (Class B misdemeanor) if a student engages in bullying behavior towards a school district employee if the employee is targeted because of his/her association with the district
- HB 1906 by Madden would make medical and mental health care physicians and other staff providing managed health care in correctional facilities, including those working within the Texas Youth Commission, eligible for loan repayment assistance
- HB 1915 by Madden and SB 653 by Whitmire would abolish TYC and TJPC and transfer the powers and duties of those agencies to the newly created Texas Juvenile Justice Department
- HB 2019 by McClendon relating to the establishment, operation, and funding of victim-offender mediation programs, which may include mediation agreements that require testing, counseling, and treatment of the defendant to address alcohol abuse, abuse of controlled substances, mental health, or anger management
- HB 2065 by Allen would establish victim-offender mediation programs, including a Juvenile Victim-Offender Mediation Pilot Program
- SB 1076 by Ellis relating to community supervision for certain drug possession offenses and to a person's eligibility for an order of nondisclosure following a term of community supervision for any of those offenses
- SB 1116 by Whitmire would remove Class C misdemeanor penalty for student disruption of class or on school bus; would also require a court to waive jurisdiction and send a child to a juvenile court if the child's alleged misdemeanor is disorderly conduct at a public school during school hours
- HB 3303 by Marquez would prohibit placing a juvenile in detention awaiting adjudication in solitary confinement, with exceptions
- HB 1771 by Madden would establish a Specialty Courts Advisory Council within the criminal justice division to evaluate applications for grant funding for specialty courts, which include drug, mental health and veterans' courts, and to make funding recommendations to the criminal justice division
- HB 2591 by Perry would provide licensing & regulation exemptions to individual credentialed as a Certified Criminal Justice Addictions Professional by the International Certification and Reciprocity Consortium and who provides chemical dependency counseling through a program or in a facility that receives funding from the Texas Department of Criminal Justice
- SB 1106 by Harris and HB 3385 by Madden relating to the exchange of confidential information of educational and non-educational records among schools and juvenile service providers
- SB 1163 by Wentworth relating to exchange of information between agencies related to at-risk youth

Miscellaneous/Cross-Issue:

- HCR 40 by Naishtat would establish a Suicide Prevention Week in September of each year
- SB 26 by Zaffirini/HB 1481 by Truitt would require the use of "person first" respectful language by the Legislature and state agencies when referring to individuals with disabilities, including persons with mental illness
- HB 945 by Dukes and SB 501 by West would establish a council to examine disproportional involvement of children of a racial or ethnic minority group in child serving systems and make recommendations
- SB 571 by Nelson would require all HHS agencies to identify efficiencies & reduce expenditures, mandating various activities, including (among other provisions):
 - Evaluating feasibility & cost effectiveness of serving ECI kids in CHIP and Medicaid
 - Maximizing use of DSHS MH/SA programs for kids in CPS

- Evaluating forensic commitment process to make sure offenders w/ MI are served in most appropriate & cost-effective setting
- Privatizing a state hospital
- Utilizing residential units in state hospitals to provide cost-effective care and to maintain bed capacity
- Requiring hospitals accepting Medicaid to charge state MH hospitals no more than Medicaid fee for service rate
- Expanding cost-effective models of care for mental illness
- HB 1837 by Hartnett and SB 1196 by Rodriguez relating to guardianships and alternatives to guardianship for persons who have physical disabilities or are incapacitated, including proceedings relating to a mental health action
- HB 1845 by Castro would require students in higher education who violate local laws or college policies related to alcohol (selling, giving to minors; being under the influence) to attend counseling
- HB 1553 by Larson would require entities providing services to individuals using state funds to determine citizenship of individual before providing services; determine cost to state of providing services if person is citizen of another country, and report on this information to the Comptroller. Comptroller would be required to compile total costs and request foreign countries provide reimbursement
- HB 2096 by Thompson would require a petition for a writ of habeas corpus (legal action to seek release from unlawful imprisonment), by a patient receiving court ordered inpatient mental health treatment to be filed in the court of appeals county in which the order is entered
- HB 2159 by Coleman relating to the insanity defense in a criminal case
- SB 1162 by Wentworth relating to reporting regarding, the apprehension and transportation of, and records relating to certain persons who are or may be persons with mental illness
- SB 1177 by Nelson would require employees of health care facilities, including mental health facilities, to be vaccinated against preventable diseases as recommended by the Centers for Disease Control and Prevention
- HB 2250 by Elkins would abolish the Sunset Commission as of October 1, 2011, and with it, the process under which state agencies and other entities are periodically reviewed under the Texas Sunset Act
- SB 1817 by Zaffirini would transfer the duties and powers of the Texas Integrated Funding Initiative (TIFI) consortium to the Children's Policy Council; require CPC to establish a subcommittee on system of care; and require the CPC to assist health and human service agencies in developing, implementing, and administering family support policies for children w/ disabilities, including mental health services
- HB 2695 by John Davis would require health and human services agencies to give hiring preference to parents/caretakers of children who have accessed health and human services
- HB 3629 by Shelton would abolish the Department of Assistive and Rehabilitative Services (DARS) and transfers its powers and duties to the Department of Aging and Disability Services and the Department of State Health Services, with ECI to be administered by DSHS