87th Legislative Session: Rapid Recap

The 87th Legislative Session has come and gone. Although not all of NAMI Texas’ policy priorities were achieved, the Legislature passed a number of bills that will improve access and availability to care for Texans living with mental illness.

“We are grateful for the numerous critical decisions the Legislature made to strengthen access to mental health services and supports.”

--Greg Hansch, NAMI Texas

Thank you to all the advocates, coalition partners, and policymakers who worked tirelessly to improve the mental health care system in Texas. Your support was instrumental in our work during the 87th. We look forward to advancing our shared interests during the interim. Thanks!

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The following recap is intended to provide a snapshot of the mental health-related bills NAMI Texas identified as high priority during the 87th Legislative Session. This list does not cover legislation relevant to every NAMI Texas policy position. We will publish a comprehensive review once the deadline for the Governor to sign, not sign, or veto bills has passed.

**Bills On Their Way to the Governor’s Desk**

**H.B. 4 (Price et al.)**—Relating to the provision and delivery of certain health care services in this state, including services under Medicaid and other public benefits programs, using telecommunications or information technology and to reimbursement for some of those services.
- This bill improves access to telehealth services in Medicaid for individuals living with mental illness.

**S.B. 64 (Nelson)**—Relating to a peer support network for certain law enforcement personnel.
- This bill requires HHSC to establish a peer support program for peace officers.

**H.B. 133 (Rose et al.)**—Relating to the provision of certain benefits under Medicaid and the Healthy Texas Women program, including the transition of case management for children and pregnant women program services and Healthy Texas Women program services to a managed care program.
- This bill extends Medicaid coverage for new moms from 2 months to 6 months postpartum.

**S.B. 168 (Blanco)**—Relating to emergency school drills and exercises conducted by public schools.
- This bill requires school districts to establish a policy pertaining to the notification, announcement, content, and impact reporting of active shooter drills.

**S.B. 279 (Hinojosa)**—Relating to the inclusion of suicide prevention information on certain student identification cards issued by a public school or public institution of higher education.
- This bill requires school districts to distribute student ID cards with the Suicide Prevention Lifeline number printed on the back to all students in grades 6 and higher.

**H.B. 549 (Thompson, S.)**—Relating to exemptions from liability for certain professionals for the disclosure of certain mental health information.
- This bill provides medical and mental health providers immunity from suit for the disclosure of confidential information to other mental health or medical providers.

**S.B. 672 (Buckingham et al.)**—Relating to Medicaid coverage of certain collaborative care management services.
- The bill makes collaborative care a Medicaid reimbursable service.
H.B. 787 (Allen et al.)—Relating to conditions of community supervision prohibiting contact with certain persons.

- This bill allows justice-involved individuals on community supervision to interact with formerly justice-involved individuals in peer support or similar programs.

H.B. 1694 (Raney et al.)—Relating to a defense to prosecution for certain offenses involving possession of small amounts of controlled substances, marihuana, dangerous drugs, or abusable volatile chemicals, or possession of drug paraphernalia for defendants seeking assistance for a suspected overdose.

- This bill provides a defense to prosecution for the possession of controlled substances if the person was seeking medical assistance for a person experiencing a suspected overdose.

H.B. 2595 (Price et al.)—Relating to a parity complaint portal and educational materials and parity law training regarding benefits for mental health conditions and substance use disorders to be made available through the portal and otherwise; designating October as mental health condition and substance use disorder parity awareness month.

- This bill requires TDI to establish an online portal for insurance consumers and healthcare providers to report suspected violations of the coverage parity rights.

H.B. 2658 (Frank)—Relating to the Medicaid program, including the administration and operation of the Medicaid managed care program.

- Amended to include the language provided in HB 290 (Cortez et al.), this bill extends Medicaid continuous eligibility for youth under 19 years from 6 months to 1 year.

H.B. 2822 (Hull et al.)—Relating to the availability of antipsychotic prescription drugs under the vendor drug program and Medicaid managed care.

- This bill limits the application of Medicaid prior authorization protocols for antipsychotic medications for individuals living with SMI.

H.B. 3121 (Turner, J. et al.)—Relating to a voluntary quality standards certification process for certain private residential psychiatric treatment facilities that provide treatments and services to youth; imposing fees; authorizing civil and administrative penalties.

- This bill creates a voluntary certification for long-term inpatient psychiatric facilities for youth.

**Legislative Opportunities for Next Session**

H.B. 15 (Thompson, S. et al.)—Relating to the creation of the Texas brain university research initiative.

- This bill establishes an advisory board to award grants to institutions and researchers who study the prevention and treatment of brain-related diseases, including mental illness.
H.B. 140 (Rose et al.)—Relating to the applicability of the death penalty to a capital offense committed by a person with severe mental illness.
  • This bill exempts individuals from capital punishment if they were experiencing a mental health crisis at the time of the offense.

H.B. 240 (Thompson, S.)—Relating to the requirement and study of insurance coverage for serious emotional disturbance of a child.
  • This bill adds the definition of serious emotional disturbances in the Texas Insurance Code to promote access to mental health services.

S.B. 1141 (Zaffirini)—Relating to group health benefit plan coverage for early treatment of first episode psychosis.
  • This bill requires commercial insurers to reimburse for all interventions included in the Coordinated Specialty Care treatment model.

S.B. 1521 (Zaffirini)—Relating to creating a mental health task force to study mental health services provided at institutions of higher education.
  • This bill creates a task force to study and evaluate the mental health services provided to students at colleges and universities.

H.B. 1646 (Lambert et al.)—Relating to modification of certain prescription drug benefits and coverage offered by certain health benefit plans.
  • This bill prevents insurers from modifying coverage benefits between plan years if the plan enrollee maintains the same coverage.

S.B. 2051 (Menendez)—Relating to step therapy protocols required by health benefit plans for coverage of prescription drugs for serious mental illnesses.
  • This bill prohibits health plans from implementing step therapy, or fail first, protocols or requiring a patient to prove a history of failure.

S.B. 2104 (Zaffirini)—Relating to the provision of peer services, including family partner peer support services by family partners, and the provision of those services under Medicaid.
  • This bill makes Certified Family Partner services a Medicaid reimbursable service.

H.B. 3075 (Coleman)—Relating to the collection and reporting of certain information regarding mental health jail diversion.
  • This bill streamlines the data collection and reporting process regarding mental health jail diversions.

H.B. 4139 (Coleman et al.)—Relating to the Office for Health Equity.
  • This bill requires HHSC to establish an Office of Health Equity to develop and implement health initiatives that decrease or eliminated health disparities in minority communities.
**H.B. 4354 (Coleman)—**Relating to the administration of medication to certain persons in the custody of a sheriff.

- This bill requires jail physicians to document justification for switching the medications of inmates who receive competency restoration services through the state hospital system.

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**Favorable Budget Items of Note**

**S.B. 1: General Appropriations (“The Budget”)**

- Total estimated state funds available for 2022-2023 biennium equals roughly $116 billion, an increase of $3 billion from the initial estimate provided at the beginning of the 87th Legislative Session.
- $10 Million Increase in Funding for the Texas Child Mental Health Care Consortium

**S.B. 1: Adopted Budget Riders**

- Rider 57—Study on Step-down Housing
  - This rider directs HHSC to study the efficacy and efficiency of step-down services in diverting individuals from inpatient state hospital services to community-based care.
- Rider 58—Study Related to 9-8-8 Implementation.
  - This rider directs HHSC to study the adequacy and efficacy of existing National Suicide Prevention Lifeline infrastructure in preparation for 9-8-8 implementation.
- Rider 100—Step-down Housing Pilot for Individuals with Serious Mental Illness.
  - This rider requires HHSC to develop a plan for establishing a step-down program at State Supported Living Facilities (SSLCs) for individuals exiting the state hospital system and allows them to allocate funds for capital improvements to existing facilities.

**H.B. 2: Supplemental Appropriations**

- Austin State Hospital (ASH) & San Antonio State Hospital (SASH)
  - This funding allocation allows HHSC to complete construction on the Austin and San Antonio State Hospital redesign and expansion projects
- New Dallas State Hospital Planning
  - This funding allocation allows HHSC to begin the planning and preparation process to build a new state hospital in the Dallas area