

BILL ANALYSIS

Senate Research Center

H.B. 1111
By: Turner (Uresti)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Serious concerns have been raised as a result of recent reports regarding the types and amounts of psychotropic medications prescribed to children within the Texas foster care system. The fact that the Texas Department of Family and Protective Services exercises little oversight over prescribing these medications may be an indication that all other state agencies that care for children should be provided with stronger prohibitions against possible abuse. Any attempt to utilize children in the care and custody of the State of Texas for medical or psychiatric research should be prohibited. Given that the Texas Youth Commission (TYC) houses a number of children with severe mental health needs, it is absolutely essential that the State of Texas ensure that all children within TYC's custody are protected from any possible psychotropic medication abuse.

H.B. 1111 prohibits TYC from allowing a child committed to TYC to participate in a medical, psychiatric, or other type of research program or study, but does not prohibit survey research or retrospective studies. The bill also requires TYC to report any research on children to the governor, lieutenant governor, and the speaker of the house of representatives, and the members of the legislature.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.076, Human Resources Code, by amending Subsection (a) and adding Subsection (c), as follows:

- (a) Makes a conforming change.
- (c) Prohibits the Texas Youth Commission (TYC) from allowing a child committed to it to participate in a medical, psychiatric, or other type of research program or study. Provides that this subsection does not apply to survey research or retrospective studies that are based only on medical, records, claims data, or outcome data

SECTION 2. Amends Subchapter E, Chapter 61, Human Resources Code, by adding Section 61.0763, as follows:

Sec. 60.0763. REPORTING CONCERNING RESEARCH PROGRAMS OR STUDIES.
(a) Requires TYC to keep records relating to children committed to it that participate in research programs or studies.

- (b) Requires the records to show, for each calendar quarter and for each calendar year the number of children participating in research programs or studies for the appropriate reporting period; the type of research program or study in which each child is participating; the name of the principal investigator conducting the research program or study; and the entity sponsoring the research program or study.

(c) Requires TYC to submit a report that contains the information in the records kept under Subsection (b) on or before the 15th day after the last day of the appropriate reporting period to certain state elected officials and the legislature.

(d) Provides that a report submitted under this section is public information under Chapter 552 (Public Information), Government Code.

SECTION 3. Makes application of this prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.