

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1648
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Veteran Affairs & Military Installations
4/27/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The United States Department of Veterans Affairs (VA) is faced with a daunting task as military servicemembers continue to return from Iraq and Afghanistan requiring mental and behavioral health treatment. The surge of returning troops to the United States is projected to increase owing to the new presidential administration. The VA faces the possibility of being unable to meet all the needs of the returning soldiers, sailors, airmen, and marines.

C.S.S.B. 1648 amends current law relating to providing outreach services, behavioral health services, and certain health care services related to mental health to certain members and veterans of the armed forces and their families and providing for the creation of related clinical practice guidelines.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 1022.002, Health and Safety Code) and SECTION 7 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 12, Health and Safety Code, by designating Chapter 1001, Health and Safety Code, as Subtitle A and adding a heading for Subtitle A to read as follows:

SUBTITLE A. ADMINISTRATION BY DEPARTMENT

SECTION 2. Amends Title 12, Health and Safety Code, by adding Subtitle B, to read as follows:

SUBTITLE B. DEPARTMENT OF STATE HEALTH SERVICES PROGRAMS

CHAPTER 1022. SERVICES FOR VETERANS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1022.001. DEFINITIONS. Defines "department," "post-traumatic stress disorder," "program," "servicemember," and "traumatic brain injury."

Sec. 1022.002. RULES. Requires the executive commissioner of the Health and Human Services Commission (HHSC) (executive commissioner) to adopt rules to implement this chapter.

Sec. 1022.003. CREATION AND PURPOSE. Requires the Department of State Health Services (DSHS) to establish a program under this chapter to promote the wellness of servicemembers and their families through the development, maintenance, and dissemination of clinical practice guidelines and other information for the effective treatment of psychological trauma and the reintegration of servicemembers into their communities, families, and workplaces, with emphasis on the trauma of war, including post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), and sexual trauma that occurs in military settings.

[Reserves Sections 1022.004-1022.050 for expansion.]

SUBCHAPTER B. CLINICAL PRACTICE GUIDELINES FOR TRAUMA

Sec. 1022.051. **CLINICAL GUIDELINES.** (a) Requires DSHS to develop evidence-based clinical practice guidelines (guidelines) containing recommendations to clinicians and other providers of mental health services for the management of trauma, including PTSD, TBI, and other trauma impacting behavioral health.

(b) Requires DSHS, in developing the guidelines, to consider the recommendations and research of the National Center for Posttraumatic Stress Disorder of the federal Veterans Health Administration, the trauma registry and research database of the United States Army Institute of Surgical Research, and other appropriate and reputable sources of clinical research and information as determined by DSHS.

(c) Requires DSHS to provide for the ongoing maintenance and updating of the guidelines in a manner that reflects current diagnostic and treatment best practices.

(d) Provides that the guidelines established under this subchapter do not constitute the sole source of guidance in the management of trauma. Provides that guidelines are intended to assist clinicians by providing a framework for clinical decision making. Provides that these guidelines do not provide the only appropriate approach to the management of trauma or replace other clinical judgment.

Sec. 1022.052. **DISSEMINATION OF GUIDELINES.** (a) Requires DSHS to make the guidelines and other information developed under this subchapter available to providers of physical and behavioral health services.

(b) Requires DSHS to provide the guidelines and information to the appropriate professional associations to be used in continuing education and, to the extent feasible, to enter into agreements or take other action to promote the use of the materials for continuing education purposes.

(c) Requires DSHS or its designees to provide training and continuing education to clinicians and requires DSHS to recognize through certificates or other means the health care providers that have demonstrated knowledge and mastery of the guidelines and other materials developed by DSHS for the program.

Sec. 1022.053. **TRAINING AND EDUCATIONAL MATERIALS.** Requires DSHS, in addition to the guidelines, to develop, with the advice of and in consultation with the Texas Veterans Commission (TVC), training and educational materials for the use of TVC, veterans county service officers, and other service providers. Requires the materials to promote the understanding and effective treatment of trauma affecting behavioral health and other health-related information pertaining to the reintegration of servicemembers into their communities, families, and workplaces.

[Reserves Sections 1022.054-1022.100 for expansion.]

SUBCHAPTER C. BEHAVIORAL HEALTH SERVICES AND SERVICE COORDINATION

Sec. 1022.101. **SERVICE COORDINATION.** (a) Requires DSHS, in consultation with the United States Department of Veterans Affairs (VA), the Texas Military Forces, the Texas Information and Referral Network (TIRN), TVC, and the General Land Office, to provide service coordination for servicemembers and their families in all geographic regions of the state to connect them to behavioral health services that may be available through the VA or available under this chapter.

(b) Requires DSHS, in geographic areas in this state in which services are not yet available or accessible through the VA, to provide service coordination for veterans to connect them to behavioral health services that may be available through community mental health centers or other community resources with which DSHS contracts until federal services are available.

(c) Requires DSHS to provide servicemembers and their families current, accurate, and complete information about behavioral health services and resources through existing Internet-based resource programs and through the directory of services for military personnel and their families disseminated through TIRN under Subchapter U (Information Regarding Programs For Military Personnel and Their Families), Chapter 161 (Public Health Provisions); and the service referral program under Section 431.0291 (General Powers), Government Code.

Sec. 1022.102. ELIGIBILITY. (a) Requires a servicemember, to qualify for behavioral health services under Section 1022.103, to reside in this state; be younger than 65 years of age; have served for at least 180 days of duty after the servicemember's initial training; not be an inmate of a public institution; not be a resident of a nursing facility; not have health care coverage that provides diagnostic review and treatment for post-traumatic stress disorder, traumatic brain injury, or other trauma occurring in a military setting that impacts behavioral health; and be ineligible for services from the VA or be unable to access those services because the servicemember resides more than 50 miles from the nearest service provider; the servicemember does not have transportation to a service provider; or the servicemember must wait more than 45 days for an appointment with a service provider.

(b) Requires a servicemember who does not meet the eligibility requirements for services under this section to be referred to an appropriate service provider for follow-up care.

(c) Requires an eligible servicemember, to receive behavioral health services under Section 1022.103, to enroll in the program. Authorizes the servicemember, following expiration of the term of a servicemember's enrollment in the program, to reenroll for services under the program if DSHS or its designee determines that the servicemember continues to qualify for treatment for post-traumatic stress disorder, traumatic brain injury, or other trauma occurring in a military setting that impacts behavioral health.

(d) Authorizes a family member of an enrolled servicemember to receive behavioral health services under the program as described by Section 1022.103.

Sec. 1022.103. BEHAVIORAL HEALTH SERVICES PROGRAM. (a) Requires DSHS to establish a program to provide behavioral health services in accordance with this section for eligible servicemembers under Section 1022.102. Authorizes the behavioral health services provided under this section to include crisis services in all geographic regions of the state; and behavioral health services in areas of the state in which existing federal and state behavioral health services are determined by DSHS to be inadequate or inaccessible.

(b) Provides that the behavioral health services provided under Subsection (a) (2), to the greatest extent possible, must be provided in a peer-based treatment environment and may include screening assessments; individual, family, and group therapy; substance abuse early intervention and detoxification services; and substance abuse medication-assisted treatment.

(c) Requires that the provision of service by DSHS under this section be based on medical necessity criteria established by DSHS rule.

(d) Requires DSHS to seek reimbursement for the costs of services provided under this section from the VA and from other governmental agencies that may

provide behavioral health services or payments for such services to servicemembers and their families.

(e) Requires DSHS, in order to enhance service coordination and assess the needs of servicemembers and their families, to provide an opportunity for servicemembers to disclose military status when accessing local behavioral health services that receive funding from DSHS.

[Reserves Sections 1022.104-1022.150 for expansion.]

SUBCHAPTER D. BEHAVIORAL HEALTH OUTREACH

Sec. 1022.151. OUTREACH ACTIVITIES. (a) Requires DSHS, through a public outreach program, to provide to servicemembers and their families information about accessing services through TIRN and through other organizations participating in memoranda of understanding maintained by the Texas Military Forces.

(b) Requires that DSHS's outreach activities describe programs administered by health and human service agencies that could be of interest to veterans and their families, including early childhood intervention services, state vocational rehabilitation services, and higher education benefits and support services.

(c) Requires that DSHS's outreach efforts be conducted on a statewide basis, conducted through a contract or contracts with statewide or local community-based organizations with experience in statewide outreach to the military, and staffed by individuals with demonstrated experience in working with the military and military service organizations.

(d) Requires that outreach methods include direct personal contacts with servicemembers and outreach using communications media and printed materials. Requires DSHS, as a component of DSHS's outreach activities, to maintain or support an existing interactive Internet-based resource program that meets certain criteria.

(e) Requires that the interactive Internet-based program established under Subsection (d) be developed or maintained by DSHS with the advice of and in consultation with the Texas Military Forces. Requires DSHS to collaborate with state agencies and the Texas Military Forces to develop strategies to use existing interactive Internet-based resources that serve military members and their families.

SECTION 3. Amends Subchapter A, Chapter 431, Government Code, by adding Section 431.0186, as follows:

Sec. 431.0186. SCREENING FOR TRAUMATIC BRAIN INJURY. (a) Requires the adjutant general to require each member of the Texas National Guard who served during Operation Enduring Freedom or Operation Iraqi Freedom to be screened for traumatic brain injury.

(b) Requires the adjutant general to assist a member of the Texas National Guard who tests positive for traumatic brain injury in obtaining appropriate medical care.

SECTION 4. Amends Section 434.007, Government Code, as follows:

Sec. 434.007. DUTIES. (a) Creates this subsection from existing text. Requires TVC to assist veterans and their families and dependents in presenting, proving, and establishing claims, privileges, rights, and benefits they may have under federal, state, or local law, including establishing eligibility for health care services and treatments from the VA and for services provided through DSHS.

(b) Requires TVC to enter into a memorandum of understanding with DSHS to develop training materials for veterans county service officers and veterans service organizations that promote the understanding and effective treatment of trauma affecting behavioral health and other health-related information that promotes the reintegration of members and veterans of the armed forces into their communities, families, and workplaces. Requires TVC to disseminate training and educational materials for the development of guidelines and other training and education materials that is receives from DSHS, enter into a contract or other agreement for the development of training and education materials with DSHS, reimburse DSHS for costs of preparing the materials from appropriations or other amounts available to TVC, and enter into relationships with established training programs for the purpose of providing peer support training and certification for veterans county service officers.

SECTION 5. Amends Section 434.0078(a), Government Code, to require that claims assistance services be provided for establishing eligibility for health care services and treatments from the federal Veterans Health Administration.

SECTION 6. Requires DSHS to conduct an immediate analysis of the behavioral health needs of servicemembers and their families and submit a preliminary report of its findings and recommendations to the legislature and the governor on or before December 1, 2009, and a final report of its findings and recommendations on or before December 1, 2010. Requires that the report include certain information and make certain recommendations.

SECTION 7. Requires the executive commissioner of HHSC, not later than January 1, 2010, to adopt rules as necessary to administer Chapter 1022, Health and Safety Code, as added by this Act.

SECTION 8. Provides that this Act does not make an appropriation. Provides that this Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

SECTION 9. Effective date, except as provided by Section 8 of this Act: September 1, 2009.