



LSG Floor Report For Major State Calendar-Tuesday, April 4, 2017

<p>HB 10 By: Price / Bonnen, Greg / Rose / Muñoz, Jr. / Coleman / et al.</p>	<p>Relating to access to and benefits for mental health conditions and substance use disorders.</p>	<p>Public Health</p>	<p>The Substance Abuse and Mental Health Services Administration estimates that 61.7% of adults with behavioral health disorders in Texas do not receive the vital treatment they need. HB 10 takes a critical step toward ensuring that Texans have access to mental health and substance use treatment by ensuring parity compliance and increasing the state’s role in studying and enforcing behavioral health parity.</p> <p>Sec.531.02251. Ombudsman for behavioral health access to care. HB 10 requires the Health and Human Services Commission to designate an ombudsman to arbitrate relations between consumers who are uninsured or have private or public health benefit coverage and behavioral healthcare providers. It is the duty of the ombudsman to resolve discrepancies in access to behavioral health treatment services, assist consumers in filing appeals, track and report potential violations of state and federal regulations of mental health benefits, provide consumers with appropriate information on how to access behavioral healthcare, and provide summaries of their findings to the parity work group.</p> <p>Sec.531.02252. Mental health condition and substance use disorder parity work group. The Health and Human Services Commission will also be responsible for the creation of a mental health parity workgroup tasked with increasing understanding of mental health conditions and substance use disorders and reinforcing compliance with state and federal parity regulations. The work group will meet at least quarterly and will be comprised of fifteen stakeholder groups including mental health professionals, consumers of mental health and substance use treatment services, advocates, insurance providers, a representative from Medicaid, and the ombudsman for behavioral health access to care. They will make recommendations to enforce compliance of state and federal laws, guarantee the Department of Insurance and Health Commission accept concerns relating to potential violations, improve public and provider knowledge of parity laws. To emphasize the importance of compliance, the work group will develop a strategic</p>	<p>Favorable Evaluated by: Fabeain Barkwell 210-382-4295 Fabeain@Texaslsg.org</p>
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plan with specific guidelines to increase compliance. The group’s findings will be formulated into a report and submitted to the appropriate state agencies and legislative committees for review.

Sec.1355.254. Coverage for mental health conditions and substance use disorders.

HB 10 addresses inconsistencies between federal and state law regarding behavioral health parity by mandating that health benefit plans provide coverage for mental health and substance use disorders under the same terms and conditions as medical and surgical benefits. Insurance providers have a recurring trend of offering discriminatory and inadequate coverage for vital behavioral health services. Consumers who are desperately in need of mental health care are presented with significant barriers in both inpatient and outpatient settings that far exceed barriers they would experience if they were attempting to access primary medical or surgical care. The need for parity in coverage for behavioral health benefits with medical and surgical benefits is essential to sustaining the well-being of Texans. HB 10 does not mandate that all providers offer behavioral health benefits, but if they do, the coverage must be equitable.

Subchapter F. Coverage for mental health conditions and substance use disorders

Presently, the Texas Department of Insurance has authority to enforce compliance with federal parity law within large group health plans by prohibiting quantitative limitations on behavioral health coverage, but not non-quantitative limitations. If enacted, HB 10 would prohibit both quantitative limitations (such as visit limits and large copays) and non-quantitative limitations (such as determining medical necessity or preauthorization) in both large and small employer health benefit plans. In a study of parity, the National Alliance for Mental Illness discovered that nearly one third of respondents reported that they or their family member were denied mental health care based on medical necessity; this is more than twice the number that reported being denied general medical care based on medical necessity.

Additionally, HB 10 requires that health benefit plans define mental health conditions and substance use disorders in a manner consistent with generally recognized standards of medical practice. The Department of Insurance will be charged with conducting a study based on data collected from health benefit plan issues and generating a report on benefits for medical and surgical expenses versus behavioral health expenses. Concurrently, the Health and Human Services Commission will conduct an identical study for Medicaid managed care organizations. The prevalent discrimination in limited benefits, out of pocket costs, and administrative obstacles to obtaining quality behavioral health care have existed for too long.

It is critical that Texas law improves access to care for mental health and substance use, and abolishes any type of restrictive limitation. By implementing regulations for accountability, enforcement, and performance HB 10 eliminates hurdles to behavioral health treatment, and symbolizes a pivotal step toward providing equal coverage for the citizens of Texas, and ensures improvement to treatment.



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			<p>Items of interest for HB 10:</p> <ul style="list-style-type: none"> • 18% of respondents reported being denied substance use care and 14% denied general medical care. For ACA plans, rates of reported denials based on medical necessity were lower, but denials for mental health care were still nearly twice the rate of denials for general medical care. • The highest readmission rate that occurs in Medicaid is behavioral health at 25%. This means that 25% that leave the hospital come back with that same problem not having been solved within 30 days. 	
<u>LSG Floor Report For General Calendar-Tuesday, April 4, 2017</u>				
<p>HB 1619 By: Shine</p>	<p>Relating to the prosecution and punishment of certain outdoor burning violations.</p>	<p>Environmental Regulation</p>	<p>HB 1619 institutes a Class C misdemeanor for prohibited outdoor burning for a first-time violation instead of a Class B or A misdemeanor and allows for any peace officer to issue the citation. This citation would not include the burning of heavy oils, asphaltic materials, potentially explosive materials, or chemical wastes. Under current law the first charge for illegal outdoor burning is at least a Class B misdemeanor with penalties up to \$2,000 in fines and 180 days in jail. The language also clarifies for a municipal violation and that the penalty is under the municipal ordinance. This bill separates materials such as insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, furniture, carpet, or items containing natural or synthetic rubber from more hazardous materials which will determine the type of violation.</p> <p>HB 1619 would open up resources for law enforcement personnel. By creating a Class C misdemeanor for the first violation citizens will have a citation rather than a Class B misdemeanor for their first offense. Issuing the citation would also prove in court of the repeated offenses of outdoor burning and the materials burned.</p>	<p>Favorable Evaluated by: Erin Eriksen 210-382-4295 Erin@Texaslsg.org</p>
<p>HB 630 By: Howard</p>	<p>Relating to the Internet broadcast and archiving of open meetings of the Health and Human Services Commission, health and human services agencies, and related advisory entities.</p>	<p>Government Transparency & Operation</p>	<p>HB 630 would amend the Government Code to require the Health and Human Services Commission (HHSC), Department of Family and Protective Services (DFPS), Department of State Health Services (DSHS), and certain advisory committees to broadcast open meetings. The bill further clarifies that no later than the seventh day after the meeting; the agency will make the broadcast or audio available online. The broadcast must be made available and archived online for no less than two years.</p> <p>In doing so, the bill seeks to increase state government transparency by requiring standards of internet broadcasting and archiving of open meetings conducted by the Health and Human Services Commission and other entities clarified in the bill.</p>	<p>Favorable Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org</p>
<p>HB 544 By: Anderson "Doc",</p>	<p>Relating to the use of the rural water assistance fund.</p>	<p>Natural Resources</p>	<p>HB 544 adds planning to the description of assistance that the Texas Water Development Board(TWDB) can provide to those applying for funding associated with the Rural Water Assistance Fund. This bill also adds language to expand where funds can be allocated from within the section amended.</p>	<p>Favorable Evaluated by: Erin Eriksen 210-382-4295</p>



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Charles/ Ashby			The Rural Water Assistance Fund provides low-cost, long-term financing for water and wastewater projects for rural political subdivisions. This bill would assist rural communities through the TWDB to navigate accessing and planning for these funds; creating targeted assistance to make the program more successful. Also, the bill would allow the TWDB to look more holistically at options for funds that the communities can access.	Erin@Texaslsg.org
HB 1062 By: Gooden	Relating to the governing board of the Trinity Valley Community College District.	Higher Education	HB 1062 gives the governing board of Trinity Valley Community College District the authority by resolution, or order to increase their number of board trustees from nine to eleven. At the time the board expands, the eleven trustees must draw lots to determine the length of their terms. Five trustees serving two year terms, three trustees serving four year terms, and three trustees serving six year terms. In addition, the governing board is required to establish transitions of office terms to correspond with election cycles. Trinity Valley has a service area across five counties. Currently there are also school districts within those counties who want to be annexed into Trinity Valley's tax paying district. Expanding the number of trustees on the board provides greater representation for students within this district which could lead to opportunities such as dual credit classes, and lower in-district tuition.	Favorable Evaluated by: Fabeain Barkwell 210-382-4295 Fabeain@Texaslsg.org
HB 402 By: Huberty	Relating to money used by certain counties for the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program and local initiative air quality projects.	Environmental Regulation	<p>HB 402 amends the Government and Health and Safety codes to allow for 90% of the funds garnered from the Low-Income Vehicle Repair Assistance, Retrofit and Accelerated Vehicle Retirement Program (LIRAP)/Local Initiative Program(LIP) to go back to counties with at least 4 million in population.</p> <p>With the population requirement only Harris County applies of the 16 counties currently enrolled in LIRAP. Both LIRAP and LIP are fees collected from Vehicle Emissions and Inspections from the county now may also include enhancing transportation systems, in addition to the LIP and LIRAP programs. The allocation of funds would be at the discretion of the county. This would not include projects on tolls roads. The LIP program in Harris County currently has a dollar-for-dollar matching program is no longer required. If the money is treated as a binding encumbrance by Texas Commission on Environmental Quality and is made available to the county for constructions purposes for a fiscal year that money can be used for the project or program in subsequent years. To the extent that is applicable provisions granted by HB 402 would prevail over other provisions in the code.</p> <p>Harris County is a nonattainment area where air quality is worse than the National Ambient Air Quality Standards defined by the Clean Air Act. By drawing down 90% of the funds from TCEQ that are proportional to what Harris County residents put in through vehicle inspections there will be consistent money coming in the from program to be used for local air quality initiatives, LIRAP, and the additional enhancing of transportation system improvements.</p>	Favorable Evaluated by: Erin Eriksen 210-382-4295 Erin@Texaslsg.org

