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et al.

H.B. No. 1794

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Work Group on Mental Health
Access for First Responders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) In this section:

(1) "Executive commissioner" means the executive
commissioner of the Health and Human Services Commission.

(2) "First responder" has the meaning assigned by
Section [421.095](#), Government Code.

(3) "First responder organization" means:

(A) an organization, including a fire
department, law enforcement agency, or emergency medical services
provider, of a political subdivision of this state that employs a
first responder; or

(B) a volunteer fire department.

(4) "Work group" means the Work Group on Mental Health
Access for First Responders.

(b) Not later than December 1, 2017, the Health and Human
Services Commission shall establish the Work Group on Mental Health
Access for First Responders to develop and make recommendations for
improving access to mental health care services for first
responders.

(c) The work group is composed of 15 members appointed by
the executive commissioner, unless otherwise provided, as follows:

1 (1) one member from the Health and Human Services
2 Commission with expertise in the field of mental health care;

3 (2) the dean of the Sam Houston State University
4 College of Criminal Justice or the dean's designee;

5 (3) three practicing mental health professionals, as
6 defined by Section [61.601](#), Education Code;

7 (4) one representative of volunteer fire departments;

8 (5) one representative of paid fire departments,
9 appointed from a list provided by a statewide association of paid
10 firefighters;

11 (6) two representatives of paid police departments,
12 appointed from a list provided by a statewide association of police
13 officers;

14 (7) one representative of a sheriff's department;

15 (8) two representatives of emergency medical services
16 providers and personnel licensed under Chapter [773](#), Health and
17 Safety Code, one of whom must be a representative of a fire
18 department that provides emergency medical services and must be
19 appointed from a list provided by a statewide association of paid
20 firefighters;

21 (9) one municipal government representative;

22 (10) one county government representative; and

23 (11) one representative of the Texas Department of
24 Insurance.

25 (d) The member described by Subsection (c)(1) of this
26 section is the presiding officer of the work group.

27 (e) A work group member is not entitled to compensation for

1 service on the work group or to reimbursement for any expenses
2 incurred in performing work group duties.

3 (f) The work group shall meet at least quarterly at the call
4 of the presiding officer. Work group meetings are subject to the
5 open meetings law, Chapter 551, Government Code, except that the
6 work group may meet by teleconference.

7 (g) The Health and Human Services Commission shall provide
8 administrative support for the work group. Funding for the
9 administrative and operational expenses of the work group shall be
10 provided from the commission's existing budget. The work group may
11 accept gifts, grants, and donations from any source to perform a
12 work group duty.

13 (h) The work group shall develop recommendations to
14 address:

15 (1) the difference in access to mental health care
16 services between:

17 (A) volunteer fire departments and small law
18 enforcement agencies, fire departments, and emergency medical
19 services providers; and

20 (B) large law enforcement agencies, fire
21 departments, and emergency medical services providers;

22 (2) potential solutions for state and local
23 governments to provide greater access to mental health care
24 services for first responders;

25 (3) the sufficiency of first responder organizations'
26 employee health insurance plans for obtaining access to mental
27 health care services for first responders;

1 (4) the sufficiency of first responder organizations'
2 human resources policies, including:

3 (A) whether guaranteed employment should be
4 offered for a first responder who self-reports a mental health
5 issue;

6 (B) the effectiveness of existing municipal
7 employee assistance programs for treating post-traumatic stress
8 disorder and whether those programs should be expanded;

9 (C) any policy modification necessary to improve
10 access to mental health care services for first responders; and

11 (D) the establishment of best practices for
12 municipalities, counties, and state agencies regarding legal
13 reporting duties for first responders anonymously seeking mental
14 health treatment;

15 (5) the effectiveness of workers' compensation and
16 other benefit claims for first responders, including determining:

17 (A) the process by which those claims for first
18 responders are handled and whether that process may be improved;

19 (B) the feasibility of requiring post-traumatic
20 stress disorder to be covered under workers' compensation for first
21 responders and if covered, the standards for diagnosing that
22 condition;

23 (C) the effectiveness of workers' compensation
24 benefits and related benefits under Chapter 607, Government Code,
25 and whether those benefits are excessively denied;

26 (D) the effectiveness of outsourcing workers'
27 compensation and other benefit claims to third parties; and

1 (E) methods for improving the appeals process for
2 workers' compensation and other benefit claims;

3 (6) the feasibility of mental health training during
4 the licensing or certification and renewal process for first
5 responders;

6 (7) the effectiveness of methods for assessing a first
7 responder's mental health care needs after a critical incident,
8 including determining:

9 (A) the feasibility of creating a standardized
10 post-critical incident checklist to assess a first responder's
11 mental health and of establishing minimum requirements for a first
12 responder to return to duty; and

13 (B) the effectiveness of critical incident
14 stress debriefing programs used by local governments in this state
15 and whether:

16 (i) those programs may be expanded
17 statewide; and

18 (ii) peer support may benefit those
19 programs;

20 (8) the opportunities for public-private partnerships
21 to provide mental health care services to first responders; and

22 (9) possible Texas-specific barriers, including
23 stigmas, for first responders seeking mental health care services.

24 (i) In developing the recommendations described by
25 Subsection (h) of this section, and for academic research related
26 to the recommendations, the work group may collaborate with the
27 Bill Blackwood Law Enforcement Management Institute of Texas at Sam

1 Houston State University, the College of Criminal Justice at Sam
2 Houston State University, or any other academic institution
3 considered necessary by the presiding officer of the work group.

4 (j) The work group shall develop a written report of the
5 work group's recommendations described by Subsection (h) of this
6 section. The work group shall electronically deliver the report to
7 the governor, the lieutenant governor, and all members of the
8 legislature not later than January 1, 2019.

9 (k) The work group is abolished and this Act expires June 1,
10 2019.

11 SECTION 2. This Act takes effect September 1, 2017.