

By: Bell

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) "First responder" has the meaning assigned by
Section 421.095, Government Code.

(2) "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.

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

(b) 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 13 members appointed by
the governor, unless otherwise provided, as follows:

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

(2) three practicing mental health professionals, as

defined by Section 61.601, Education Code;

(3) one representative of volunteer fire departments;

(4) one representative of paid fire departments, appointed from a list provided by a statewide association of paid firefighters;

(5) two representatives of paid police departments, appointed from a list provided by a statewide association of police officers;

(6) two representatives of emergency medical services providers and personnel licensed under Chapter 773, Health and Safety Code, one of whom must be a representative of a fire department that provides emergency medical services and must be appointed from a list provided by a statewide association of paid firefighters;

(7) one municipal government representative;

(8) one county government representative; and

(9) one representative of the Texas Department of Insurance.

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

(e) A work group member is not entitled to compensation for service on the work group but is entitled to reimbursement for actual and necessary expenses incurred in performing work group duties. The work group may accept gifts, grants, and donations to pay for those expenses.

(f) The work group shall meet at least quarterly at the call of the presiding officer. Work group meetings are subject to the

open meetings law, Chapter 551, Government Code, except that the work group may meet by teleconference.

(g) The Health and Human Services Commission shall provide administrative support for the work group. Funding for the administrative and operational expenses of the work group shall be provided from the commission's existing budget.

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

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

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

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

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

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

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

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

(B) the effectiveness of existing municipal

1 employee assistance programs for treating post-traumatic stress
2 disorder and whether those programs should be expanded;

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

5 (D) the establishment of best practices for
6 municipalities, counties, and state agencies regarding legal
7 reporting duties for first responders anonymously seeking mental
8 health treatment;

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

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

13 (B) the feasibility of requiring post-traumatic
14 stress disorder to be covered under workers' compensation for first
15 responders and if covered, the standards for diagnosing that
16 condition;

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

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

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

24 (6) the feasibility of mental health training during
25 the licensing or certification and renewal process for first
26 responders;

27 (7) the effectiveness of methods for assessing a first

1 responder's mental health care needs after a critical incident,
2 including determining:

3 (A) the feasibility of creating a standardized
4 post-critical incident checklist to assess a first responder's
5 mental health and of establishing minimum requirements for a first
6 responder to return to duty; and

7 (B) the effectiveness of critical incident
8 stress debriefing programs used by local governments in this state
9 and whether:

10 (i) those programs may be expanded
11 statewide; and

12 (ii) peer support may benefit those
13 programs;

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

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

18 (i) In developing the recommendations described by
19 Subsection (h) of this section, and for academic research related
20 to the recommendations, the work group may collaborate with the
21 Bill Blackwood Law Enforcement Management Institute of Texas at Sam
22 Houston State University, the College of Criminal Justice at Sam
23 Houston State University, or any other academic institution
24 considered necessary by the presiding officer of the work group.

25 (j) The work group shall develop a written report of the
26 work group's recommendations described by Subsection (h) of this
27 section. The work group shall electronically deliver the report to

1 the governor, the lieutenant governor, and all members of the
2 legislature not later than November 1, 2018.

3 (k) The work group is abolished May 1, 2019.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2017.