

1-1 By: Sheffield, et al. (Senate Sponsor - Huffman) H.B. No. 3285
 1-2 (In the Senate - Received from the House May 13, 2019;
 1-3 May 14, 2019, read first time and referred to Committee on Health &
 1-4 Human Services; May 20, 2019, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 20, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to programs and initiatives to prevent and respond to
 1-20 opioid addiction, misuse, abuse, and overdose and identify and
 1-21 treat co-occurring substance use disorders and mental illness.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter C, Chapter 61, Education Code, is
 1-24 amended by adding Section 61.08205 to read as follows:

1-25 Sec. 61.08205. RESEARCH ON SUBSTANCE USE DISORDERS AND
 1-26 ADDICTION. The board shall encourage health-related institutions,
 1-27 as defined by Section 62.161, as added by Chapter 448 (H.B. 7), Acts
 1-28 of the 84th Legislature, Regular Session, 2015, and the faculty of
 1-29 those institutions to individually or through collaborative effort
 1-30 conduct research, for public health purposes, regarding substance
 1-31 use disorders and addiction issues involving prescription drugs.

1-32 SECTION 2. Subchapter B, Chapter 531, Government Code, is
 1-33 amended by adding Section 531.02253 to read as follows:

1-34 Sec. 531.02253. TELEHEALTH TREATMENT FOR SUBSTANCE USE
 1-35 DISORDERS. The executive commissioner by rule shall establish a
 1-36 program to increase opportunities and expand access to telehealth
 1-37 treatment for substance use disorders in this state.

1-38 SECTION 3. Subchapter A, Chapter 772, Government Code, is
 1-39 amended by adding Section 772.0078 to read as follows:

1-40 Sec. 772.0078. OPIOID ANTAGONIST GRANT PROGRAM. (a) In
 1-41 this section:

1-42 (1) "Criminal justice division" means the criminal
 1-43 justice division established under Section 772.006.

1-44 (2) "Opioid antagonist" and "opioid-related drug
 1-45 overdose" have the meanings assigned by Section 483.101, Health and
 1-46 Safety Code.

1-47 (b) The criminal justice division shall establish and
 1-48 administer a grant program to provide financial assistance to a law
 1-49 enforcement agency in this state that seeks to provide opioid
 1-50 antagonists to peace officers, evidence technicians, and related
 1-51 personnel who, in the course of performing their duties, are likely
 1-52 to come into contact with opioids or encounter persons suffering
 1-53 from an apparent opioid-related drug overdose.

1-54 (c) A law enforcement agency may apply for a grant under
 1-55 this section only if the agency first adopts a policy addressing the
 1-56 usage of an opioid antagonist for a person suffering from an
 1-57 apparent opioid-related drug overdose.

1-58 (d) In an application for a grant under this section, the
 1-59 law enforcement agency shall provide information to the criminal
 1-60 justice division about the frequency and nature of:

1-61 (1) interactions between peace officers and persons

2-1 suffering from an apparent opioid-related drug overdose;
2-2 (2) calls for assistance based on an apparent
2-3 opioid-related drug overdose; and

2-4 (3) any exposure of peace officers, evidence
2-5 technicians, or related personnel to opioids or suspected opioids
2-6 in the course of performing their duties and any reactions by those
2-7 persons to those substances.

2-8 (e) A law enforcement agency receiving a grant under this
2-9 section shall, as soon as practicable after receiving the grant,
2-10 provide to the criminal justice division proof of purchase of the
2-11 opioid antagonists.

2-12 (f) The criminal justice division may use any money
2-13 available for purposes of this section.

2-14 SECTION 4. Subtitle E, Title 2, Health and Safety Code, is
2-15 amended by adding Chapter 109 to read as follows:

2-16 CHAPTER 109. STATEWIDE BEHAVIORAL HEALTH COORDINATING COUNCIL

2-17 Sec. 109.001. DEFINITION. In this chapter, "council" means
2-18 the Statewide Behavioral Health Coordinating Council.

2-19 Sec. 109.002. STATEWIDE BEHAVIORAL HEALTH STRATEGIC PLAN.
2-20 In preparing the statewide behavioral health strategic plan, the
2-21 council shall incorporate, as a separate part of that plan,
2-22 strategies regarding substance abuse issues that are developed by
2-23 the council in cooperation with the Texas Medical Board and the
2-24 Texas State Board of Pharmacy, including strategies for:

2-25 (1) addressing the challenges of existing prevention,
2-26 intervention, and treatment programs;

2-27 (2) evaluating substance use disorder prevalence
2-28 involving the abuse of opioids;

2-29 (3) identifying substance abuse treatment services
2-30 availability and gaps; and

2-31 (4) collaborating with state agencies to expand
2-32 substance abuse treatment services capacity in this state.

2-33 SECTION 5. Subchapter B, Chapter 461A, Health and Safety
2-34 Code, is amended by adding Sections 461A.058 and 461A.059 to read as
2-35 follows:

2-36 Sec. 461A.058. OPIOID MISUSE PUBLIC AWARENESS CAMPAIGN.

2-37 (a) The executive commissioner by rule shall develop and the
2-38 department shall implement a statewide public awareness campaign to
2-39 deliver public service announcements that explain and clarify
2-40 certain risks related to opioid misuse, including:

2-41 (1) the risk of overdose, addiction, respiratory
2-42 depression, or over-sedation; and

2-43 (2) risks involved in mixing opioids with alcohol or
2-44 other medications.

2-45 (b) This section and the statewide public awareness
2-46 campaign developed under this section expire August 31, 2023.

2-47 Sec. 461A.059. OPIOID ANTAGONIST PROGRAM. (a) In this
2-48 section, "opioid antagonist" has the meaning assigned by Section
2-49 483.101.

2-50 (b) From funds available for that purpose, the executive
2-51 commissioner shall establish a program to provide opioid
2-52 antagonists for the prevention of opioid overdoses in a manner
2-53 determined by the executive commissioner to best accomplish that
2-54 purpose.

2-55 (c) The executive commissioner may provide opioid
2-56 antagonists under the program to emergency medical services
2-57 personnel, first responders, public schools, community centers,
2-58 and other persons likely to be in a position to respond to an opioid
2-59 overdose.

2-60 (d) The commission may accept gifts, grants, and donations
2-61 to be used in administering this section.

2-62 (e) The executive commissioner shall adopt rules as
2-63 necessary to implement this section.

2-64 SECTION 6. Section 481.0764, Health and Safety Code, is
2-65 amended by adding Subsection (f) to read as follows:

2-66 (f) A prescriber or dispenser whose practice includes the
2-67 prescription or dispensation of opioids shall annually attend at
2-68 least one hour of continuing education covering best practices,
2-69 alternative treatment options, and multi-modal approaches to pain

3-1 management that may include physical therapy, psychotherapy, and
3-2 other treatments. The board shall adopt rules to establish the
3-3 content of continuing education described by this subsection. The
3-4 board may collaborate with private and public institutions of
3-5 higher education and hospitals in establishing the content of the
3-6 continuing education. This subsection expires August 31, 2023.

3-7 SECTION 7. Chapter 1001, Health and Safety Code, is amended
3-8 by adding Subchapter K to read as follows:

3-9 SUBCHAPTER K. DATA COLLECTION AND ANALYSIS REGARDING OPIOID
3-10 OVERDOSE DEATHS AND CO-OCCURRING SUBSTANCE USE DISORDERS

3-11 Sec. 1001.261. DATA COLLECTION AND ANALYSIS REGARDING
3-12 OPIOID OVERDOSE DEATHS AND CO-OCCURRING SUBSTANCE USE DISORDERS.

3-13 (a) The executive commissioner shall ensure that data is collected
3-14 by the department regarding opioid overdose deaths and the
3-15 co-occurrence of substance use disorders and mental illness. The
3-16 department may use data collected by the vital statistics unit and
3-17 any other source available to the department.

3-18 (b) In analyzing data collected under this section, the
3-19 department shall evaluate the capacity in this state for the
3-20 treatment of co-occurring substance use disorders and mental
3-21 illness.

3-22 SECTION 8. Subchapter B, Chapter 32, Human Resources Code,
3-23 is amended by adding Section 32.03115 to read as follows:

3-24 Sec. 32.03115. REIMBURSEMENT FOR MEDICATION-ASSISTED
3-25 TREATMENT FOR OPIOID OR SUBSTANCE USE DISORDER. (a) In this
3-26 section, "medication-assisted opioid or substance use disorder
3-27 treatment" means the use of methadone, buprenorphine, oral
3-28 buprenorphine/naloxone, or naltrexone to treat opioid or substance
3-29 use disorder.

3-30 (b) Notwithstanding Sections 531.072 and 531.073,
3-31 Government Code, or any other law and subject to Subsections (c) and
3-32 (d), the commission shall provide medical assistance reimbursement
3-33 for medication-assisted opioid or substance use disorder treatment
3-34 without requiring a recipient of medical assistance or health care
3-35 provider to obtain prior authorization or precertification for the
3-36 treatment.

3-37 (c) The duty to provide medical assistance reimbursement
3-38 for medication-assisted opioid or substance use disorder treatment
3-39 under Subsection (b) does not apply with respect to:

- 3-40 (1) a prescription for methadone;
- 3-41 (2) a recipient for whom medication-assisted opioid or
3-42 substance use disorder treatment is determined to be medically
3-43 contraindicated by the recipient's physician; or
- 3-44 (3) a recipient who is subject to an age-related
3-45 restriction applicable to medication-assisted opioid or substance
3-46 abuse disorder treatment.

3-47 (d) The commission may provide medical assistance
3-48 reimbursement for medication-assisted opioid or substance use
3-49 disorder treatment only if the treatment is prescribed to a
3-50 recipient of medical assistance by a licensed health care provider
3-51 who is authorized to prescribe methadone, buprenorphine, oral
3-52 buprenorphine/naloxone, or naltrexone.

3-53 (e) This section expires August 31, 2023.

3-54 SECTION 9. Section 168.002, Occupations Code, is amended to
3-55 read as follows:

3-56 Sec. 168.002. EXEMPTIONS. This chapter does not apply to:

- 3-57 (1) a medical or dental school or an outpatient clinic
3-58 associated with a medical or dental school;
- 3-59 (2) a hospital, including any outpatient facility or
3-60 clinic of a hospital;
- 3-61 (3) a hospice established under 40 T.A.C. Section
3-62 97.403 or defined by 42 C.F.R. Section 418.3;
- 3-63 (4) a facility maintained or operated by this state;
- 3-64 (5) a clinic maintained or operated by the United
3-65 States;
- 3-66 (6) a health organization certified by the board under
3-67 Section 162.001; or
- 3-68 (7) a clinic owned or operated by a physician who
3-69 treats patients within the physician's area of specialty and who

4-1 personally uses other forms of treatment, including surgery, with
4-2 the issuance of a prescription for a majority of the patients[, or
4-3 ~~[(8) a clinic owned or operated by an advanced
4-4 practice nurse licensed in this state who treats patients in the
4-5 nurse's area of specialty and who personally uses other forms of
4-6 treatment with the issuance of a prescription for a majority of the
4-7 patients].~~

4-8 SECTION 10. Subchapter A, Chapter 554, Occupations Code, is
4-9 amended by adding Section 554.018 to read as follows:

4-10 Sec. 554.018. COMPREHENSIVE SUBSTANCE USE DISORDER
4-11 APPROACH. The board shall encourage pharmacists to participate in
4-12 a program that provides a comprehensive approach to the delivery of
4-13 early intervention and treatment services for persons with
4-14 substance use disorders and persons who are at risk of developing
4-15 substance use disorders, such as a program promoted by the
4-16 Substance Abuse and Mental Health Services Administration within
4-17 the United States Department of Health and Human Services.

4-18 SECTION 11. Not later than December 1, 2019, the executive
4-19 commissioner of the Health and Human Services Commission shall:

4-20 (1) develop the opioid misuse public awareness
4-21 campaign required by Section 461A.058, Health and Safety Code, as
4-22 added by this Act; and

4-23 (2) establish the opioid antagonist program required
4-24 by Section 461A.059, Health and Safety Code, as added by this Act.

4-25 SECTION 12. If before implementing any provision of this
4-26 Act a state agency determines that a waiver or authorization from a
4-27 federal agency is necessary for implementation of that provision,
4-28 the agency affected by the provision shall request the waiver or
4-29 authorization and may delay implementing that provision until the
4-30 waiver or authorization is granted.

4-31 SECTION 13. This Act takes effect September 1, 2019.

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