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FEDERATION OF TEXAS PSYCHIATRY
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A New Political Map for the 90th Legislature

Election results, session outlook, and Federation priorities heading into January 2027

8 for 8	~90 – 60	19 – 12	Since 2001
Statewide offices won by Democrats, including U.S. Senate	Projected Democratic majority in the Texas House	Republican Texas Senate, no seats changed party	First divided state government in a generation

THE ELECTION: DIVIDED GOVERNMENT RETURNS

- **Governor.** State Rep. Gina Hinojosa (D) defeated Gov. Greg Abbott 52.8%–45.7%, becoming Texas' first Democratic governor since 1995. She takes office **Jan. 19**, a week into session, holding the veto, the line-item budget veto, and appointments to hundreds of boards, including the health licensing boards and HHSC leadership.
- **Lieutenant Governor.** State Rep. Vikki Goodwin (D) defeated Lt. Gov. Dan Patrick 51.7%–45.7% and will preside over a Senate with a 19-member Republican majority.
- **Down ballot.** Sen. Nathan Johnson (D) won Attorney General; Sen. Sarah Eckhardt (D) unseated appointed Comptroller Don Huffines; Democrats also took Land, Agriculture and Railroad Commissioner, and lead all four Texas Supreme Court races. Rep. James Talarico (D) defeated Ken Paxton for U.S. Senate, about 55%–43%.
- **Texas House.** Democrats confirmed 16 flips, lead in 2 more, and 4 remain too close to call. No Democratic incumbent lost, and 42+ new members arrive in January. Dean Senfronia Thompson (D-Houston) has filed for Speaker; Rep. Joe Moody (D-El Paso) is also mentioned.
- **Texas Senate.** No seat changed party. AG-elect Johnson (SD 16) and Comptroller-elect Eckhardt (SD 14) must vacate, so the Senate likely opens at **19 R – 10 D** until special elections are held.

SESSION OUTLOOK: WHAT CHANGES IN JANUARY

PROCESS & POWER

- **Senate rules fight.** The lieutenant governor's power over committees, bill referral and floor recognition comes from Senate rules adopted on day one. Republicans are discussing limits on Goodwin's control over which bills reach the floor.
- **Veto leverage.** Republicans cannot reach two-thirds to override, so bills "live by bipartisanship or die." Gubernatorial appointees likely face difficult confirmation process in a GOP Senate.
- **New chairs.** Bipartisan chair appointments may return under a Thompson speakership – but Democrats will likely chair all key health committees.
- **Capacity crunch.** New statewide officials must staff up in about ten weeks from a thin bench. Comptroller-elect facing staffing shortages which could limit production of budget estimates.

HEALTH CARE OUTLOOK

- **Likely to improve:** vaccine policy shifts; women's health funding rises on the priority list; hemp/THC returns.
- **Unlikely to move:** a meaningful change in abortion policy.
- **Insurance:** coverage debates tilt more provider-focused, which opens the door to reduced prior authorization and increased mental health benefit protections.
- **Scope of practice:** a new landscape with an uncertain future. APRN and PA proposals may get a different reception, so watch closely.
- **Returning health voices:** Sens. Kolkhorst and Schwertner; Reps. Oliverson and Frank. Watch for great role for Ds, include Reps. Howard, Rose and Campos.
- **Shared theme:** affordability, which remains the top focus for 2027.

BUDGET OUTLOOK: TIGHTER MONEY, NEW HANDS ON THE LEDGER

- **Less cushion.** The current budget started with a $23.8B balance, down from the record $39.4B, and the Rainy Day Fund is at its ~$28.5B cap: full, not growing.
- **Bills come due first.** About $8B in Medicaid, state hospital and SNAP shortfalls must be filled early in session. In July, state leaders ordered 3% agency cuts in appropriations requests.
- **ARPA cliff.** About $108M sustaining TCHATT, CPAN and PeriPAN expires; crisis-diversion grant demand outran funding 8-to-1 ($233M sought vs. $28M).
- **New revenue estimate.** Comptroller-elect Eckhardt, not Huffines, issues the Biennial Revenue Estimate that caps spending.
- **New negotiating table.** The budget starts in a Democratic House and ends with Gov. Hinojosa's line-item veto, making it the central vehicle for deal-making.
- **Taxes & Revenues.** The competing Abbott (school tax elimination) and Patrick (homestead) property tax plans lost their champions, but relief and affordability remain bipartisan demands on limited dollars. Hinojosa favors tapping the Rainy Day Fund.

PRIORITY ISSUE

H-E-B Stimulant Dispensing Policy & Pharmacy Overreach

- **The policy.** H-E-B now requires stimulant prescriptions to document when the patient was last seen (in person or telemedicine), and expects an annual visit with the prescribing physician, a standard beyond federal or Texas law.
- **Who it hurts.** Telepsychiatry-only practices; group and APP-supported models where a psychiatrist signs refills; and rural patients with few in-person options.
- **Bigger questions.** A pharmacy dictating clinical practice (corporate practice of medicine), chain-by-chain rules, refusals with no explanation to the prescriber, and HIPAA exposure at the counter.
- **Federal backdrop.** DEA telemedicine prescribing flexibilities expire Dec. 31, 2026. The special-registration final rule is still pending at OMB, and a Nov. 2 coalition letter asked for a fifth extension through 2027.

PATH FORWARD

1. **Engaged H-E-B directly:** a constructive meeting with pharmacy leadership was held, but limited options ahead.
2. **Build the coalition:** align TMA, the Interspecialty Society (led by Dr. Noel), the Texas Pain Society and others.
3. **Legislative fix?:** TMB and the Pharmacy Board jointly define by rule what information a pharmacist may require of a prescriber, bar chain-specific add-ons, and require notice of the reason when a prescription is not filled.

PRIORITY ISSUE

Forensic Psychiatry Fellowship Funding

- **Currently.** Texas funds $5 million per biennium for 6th year fellowships.
- **The Outlook.** The current $5M was trimmed by 3% pursuant to budget directives from Abbott/Patrick/Burrows for across-the-board savings.
- **Priority One.** Restore the 3% cut.
- **Program Growth.** We previously sought an increase in the program from $5M to $9M for the biennium – would like to seek again.
- **The Challenge.** THECB reports the program is undersubscribed and may face further cuts if funding is unutilized.

POSSIBLE FILING

Emergency Electroconvulsive Therapy (ECT) Legislation

- **The gap.** Texas requires written consent for each ECT treatment. A patient in catatonia or psychosis who cannot consent can only be treated after a court appoints a guardian, which can take months. Texas already allows emergency psychoactive medication without consent - ECT is the outlier.
- **The concept.** A narrow pathway for adults in a life-threatening psychiatric emergency who lack capacity, with two-physician certification (one a psychiatrist) and quicker court-authorization step modeled on the Ch. 574, rather than guardianship.
- **What it is not.** It does not override a patient's reasoned objection. It serves patients who would accept treatment but cannot validly consent.
- **Politics.** Expect patient-rights scrutiny and stigma-driven pushback. Divided government rewards a narrow, bipartisan framing.
- **Decision points.** Authorship, stakeholder engagement, legislative reception post-election.

INTERIM ACTIVITIES

- **Sunset review:** HHSC and DSHS hearings are upcoming; the Commission's recommendations will drive a Sunset bill reshaping the agencies that run Texas' public mental health system.
- **Senate HHS:** forensic waitlist of ~1,585; 717 new state hospital beds by 2028; jails serving as de facto psychiatric providers.
- **House Public Health:** telehealth called central to behavioral health access; on social media, AI and youth mental health, witnesses urged that AI tools stay clinician-directed.
- **Affordability & insurance:** the House Select Committee is due to report; mandate-light plans (HB 139) need guardrails for mental health benefits and prior authorization.
- **Also:** TMB ketamine (PKT) rules; Meta's $1B settlement with Texas, earmarked in part for youth mental health services.

KEY DATES

Nov. 9	Bill prefiling begins
Nov. 18–19	Sunset hearings: HHSC & DSHS
Dec. 31	DEA telemedicine flexibilities expire
Jan. 12	90th Legislature convenes
Jan. 19	Gov.-elect Hinojosa sworn in
Mar. 12	Bill filing deadline (60th day)
May 31	Sine die (140th day)