

By: Cortez, Martinez Fischer, Minjarez,
et al.

H.B. No. 3621

Substitute the following for H.B. No. 3621:

By: Murr

C.S.H.B. No. 3621

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a mental health jail diversion pilot
program in Bexar County.

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

SECTION 1. Subtitle C, Title 7, Health and Safety Code, is
amended by adding Chapter 581 to read as follows:

CHAPTER 581. MENTAL HEALTH JAIL DIVERSION PILOT PROGRAM; BEXAR
COUNTY

Sec. 581.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services
Commission.

(2) "Texas Vista Medical Center" means the hospital of
that name, formerly known as Southwest General Hospital, that is
located in Bexar County.

Sec. 581.002. MENTAL HEALTH JAIL DIVERSION PILOT PROGRAM.

The commission, in cooperation with the local mental health
authority that serves Bexar County, shall establish a pilot program
in Bexar County for the purpose of reducing recidivism and the
frequency of arrests, incarceration, and emergency detentions
among persons with mental illness in that county.

Sec. 581.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL.

The local mental health authority that serves Bexar County shall
design and test through the pilot program a criminal justice mental
health service model oriented toward facilitating treatment for

1 persons with mental illness and substance use disorders to reduce
2 recidivism and the frequency of arrests, incarceration, and
3 emergency detentions among persons with mental illness in Bexar
4 County. The model must include evidence-based practices,
5 including:

6 (1) psychiatric services;

7 (2) substance use disorder treatments;

8 (3) treatment for co-occurring mental health and
9 substance use disorders;

10 (4) integrated primary care, mental health, and
11 chemical dependency services;

12 (5) motivational interviews to decrease recidivism;

13 (6) methods to maintain sobriety;

14 (7) medical detoxification services;

15 (8) intensive case management to address social
16 determinants of health;

17 (9) local mental health authority hospital liaison
18 transitional services, including case management;

19 (10) medication-assisted treatment; and

20 (11) treatment of medical issues, including through
21 inpatient hospitalization if necessary.

22 Sec. 581.004. LOCAL SERVICES COORDINATION. In designing
23 the criminal justice mental health service model described by
24 Section 581.003, the local mental health authority that serves
25 Bexar County shall coordinate with University of the Incarnate Word
26 and Texas Vista Medical Center. In providing services under the
27 pilot program, the local mental health authority shall use

1 personnel enrolled in established post-graduate residency training
2 programs through the Texas Institute of Graduate Medical Education
3 and Research. For the purpose of the report required under Section
4 581.008 the local mental health authority shall:

5 (1) collaborate with the South Texas Crisis
6 Collaborative to collect and analyze information regarding rates of
7 recidivism and the frequency of arrests, incarceration, and
8 emergency detentions among persons served through the pilot
9 program; and

10 (2) provide the information and analysis described by
11 Subdivision (1) to the commission.

12 Sec. 581.005. PROGRAM CAPACITY. (a) In implementing the
13 pilot program, the commission shall ensure the program has the
14 resources to provide mental health and substance use disorder
15 treatment for incarceration diversion services for not fewer than
16 five inpatient beds and for stays of a period of 90 days.

17 (b) Before the commission implements the pilot program, the
18 commission and the local mental health authority that serves Bexar
19 County jointly shall establish clear criteria for identifying a
20 target population to be served by the program. The criteria must
21 prioritize serving a target population composed of members at high
22 risk of recidivism and with severe mental illness, substance use
23 disorders, or co-occurring mental illness and substance use
24 disorders.

25 (c) The local mental health authority that serves Bexar
26 County shall provide directly or through partnerships with other
27 community behavioral health organizations any outpatient services

1 included under the program as mental health and substance use
2 disorder treatment for incarceration diversion services. The
3 commission is not required to provide funding for outpatient
4 services provided under the program.

5 Sec. 581.006. FINANCING THE PROGRAM. (a) In consultation
6 with the local mental health authority that serves Bexar County and
7 Texas Vista Medical Center, the commission shall pay a case rate at
8 the rate at which services are funded for the pilot program. The
9 creation of the pilot program under this chapter is contingent on
10 funding from the commission for persons with mental illness or
11 substance use disorders provided by the state for the program.

12 (b) It is the intent of the legislature that appropriations
13 made to fund the pilot program are made in addition to and will not
14 reduce the amount of appropriations otherwise made to the local
15 mental health authority that serves Bexar County.

16 (c) The local mental health authority that serves Bexar
17 County may seek and receive gifts and grants from federal sources,
18 foundations, individuals, and other sources for the benefit of the
19 pilot program.

20 Sec. 581.007. INSPECTIONS. The commission may make
21 inspections of the operation of, and provision of mental health and
22 substance use disorder treatment for incarceration diversion
23 services through, the pilot program on behalf of the state to ensure
24 state funds are used effectively.

25 Sec. 581.008. REPORT. (a) Not later than December 1, 2022,
26 the executive commissioner shall evaluate and submit a report
27 concerning the effectiveness of the pilot program in reducing

1 recidivism and the frequency of arrests, incarceration, and
2 emergency detentions among persons with mental illness and
3 substance use disorders in Bexar County to the governor, the
4 lieutenant governor, the speaker of the house of representatives,
5 and the presiding officers of the standing committees of the senate
6 and house of representatives having primary jurisdiction over
7 health and human services issues and over criminal justice issues.

8 (b) The report must include a description of the features of
9 the criminal justice mental health service model designed and
10 tested under the pilot program and the executive commissioner's
11 recommendation whether to expand use of the model statewide.

12 (c) In conducting the evaluation required under Subsection
13 (a), the executive commissioner, using the information and analysis
14 provided by the local mental health authority that serves Bexar
15 County and the South Texas Crisis Collaborative, shall compare the
16 rate of recidivism in Bexar County among persons in the target
17 population before the date the pilot program is implemented in the
18 community to the rate of recidivism among those persons one year
19 after the date the program is implemented in the community. The
20 executive commissioner may include in the evaluation measures of
21 the effectiveness of the program related to the well-being of
22 persons served under the program.

23 Sec. 581.009. CONCLUSION; EXPIRATION. The pilot program
24 established under this chapter concludes and this chapter expires
25 September 1, 2023.

26 SECTION 2. This Act takes effect September 1, 2021.