

By: Romero, Jr.

H.B. No. 1644

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a study on mental health professionals or mental health
3 response teams responding to a behavioral health-related emergency
4 call.

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

6 SECTION 1. (a) In this Act:

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

9 (2) "Law enforcement agency" means an office,
10 department, or other division of a political subdivision that is
11 authorized to employ a law enforcement officer.

12 (3) "Law enforcement officer" means a municipal police
13 officer, sheriff, deputy sheriff, constable, deputy constable,
14 marshal, or deputy marshal.

15 (4) "Mental health professional" does not include a
16 law enforcement officer certified as a special officer for
17 offenders with mental impairments under Section [1701.404](#),
18 Occupations Code.

19 (5) "Mental health response team" includes:

20 (A) a mobile crisis outreach team;

21 (B) a mental health response model that serves as
22 an alternative to traditional law enforcement and employs mental
23 health professionals, whether connected to or independent of a law
24 enforcement agency; and

1 (C) a community mental health crisis call center.

2 (b) The commission shall conduct a study to evaluate the
3 availability, outcomes, and efficacy of using mental health
4 response teams and mental health professionals to assist in
5 reducing the number of incarcerations of persons with:

- 6 (1) mental illness;
- 7 (2) substance use disorders; or
- 8 (3) intellectual or developmental disabilities.

9 (c) In conducting the study, the commission shall evaluate
10 the types of behavioral health-related emergency calls or other
11 community interactions that have been safely resolved wholly or
12 partly by a mental health professional or mental health response
13 team. Emergency calls and community interactions evaluated under
14 this subsection include circumstances in which a mental health
15 professional or mental health response team responds to an
16 emergency call in person or by telephone and when a professional or
17 team responds to a behavioral health-related emergency call with a
18 law enforcement officer. A safely resolved situation includes:

- 19 (1) preventing the incarceration of the person
20 experiencing the behavioral health crisis;
- 21 (2) de-escalating the situation; and
- 22 (3) receiving positive feedback from the community.

23 (d) In conducting the study, the commission shall evaluate
24 community-based outcomes of behavioral health-related emergency
25 calls to which a mental health professional or a mental health
26 response team responds. A community-based outcome may include:

- 27 (1) prevention of persons with mental illness,

1 substance use disorders, or intellectual or developmental
2 disabilities from entering the criminal justice system;

3 (2) an increase in referrals to community resources or
4 treatment options for community members with mental illness or
5 substance use disorders;

6 (3) an increase in referrals described by Subdivision
7 (2) that result in responsive short-term treatment or long-term
8 case management; and

9 (4) an impact on the number of referrals to resources
10 in the community serving persons with intellectual or developmental
11 disabilities.

12 (e) The information described by Subsection (d) must be
13 disaggregated by age, race, ethnicity, gender, veteran status,
14 income level, and whether the person presented with a mental
15 illness, a substance use disorder, or an intellectual or
16 developmental disability.

17 (f) In conducting the study, the commission shall include an
18 assessment of whether the information suggests that municipalities
19 would benefit from mental health response teams assisting
20 traditional law enforcement officers in efforts to:

21 (1) reduce the incarceration rates of persons with
22 mental illness, substance use disorders, or intellectual or
23 developmental disabilities;

24 (2) increase the number of referrals to community
25 resources and treatment for persons described by Subdivision (1);

26 (3) reduce the use of force when responding to
27 emergency calls involving persons described by Subdivision (1); and

1 (4) gain understanding about persons described by
2 Subdivision (1).

3 (g) In conducting the study, the commission shall evaluate
4 the fiscal and staffing implications of a law enforcement agency
5 using a mental health response team to respond remotely to
6 emergency calls.

7 (h) In conducting the study, the commission shall evaluate
8 the impact of the following funding sources on establishing mental
9 health response teams across this state, particularly the impact on
10 the staffing and maintenance of those teams:

11 (1) funding from a waiver under Section 1115 of the
12 Social Security Act (42 U.S.C. Section 1315);

13 (2) money allocated by Chapter 528 (S.B. 292), Acts of
14 the 85th Legislature, Regular Session, 2017; or

15 (3) funding implemented by municipalities.

16 (i) The commission shall gather information for the study
17 from:

18 (1) each county in this state;

19 (2) each local mental health authority in this state;

20 and

21 (3) each municipality in this state with a population
22 greater than 100,000.

23 (j) Unless a law enforcement agency has not used mental
24 health response teams or mental health professionals for two years
25 or more, information collected for the study must include at least
26 two years of information regarding the use of mental health
27 response teams by the law enforcement agency.

1 (k) Not later than December 1, 2024, the commission shall
2 prepare and submit to the governor and the legislature a written
3 report containing the results of the study and any recommendations
4 for legislative or other action, including any additional insights
5 about the operation and outcomes of mental health response teams
6 that the commission considers significant. The commission shall
7 post the report on the commission's Internet website.

8 SECTION 2. This Act expires September 1, 2025.

9 SECTION 3. This Act takes effect September 1, 2023.