

AN ACT

relating to local area service planning by local mental health or mental retardation authorities and to other services and proceedings related to mental health.

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

SECTION 1. Subchapter B, Chapter 533, Health and Safety Code, is amended by adding Section 533.0354 to read as follows:

Sec. 533.0354. LOCAL AUTHORITY PLANNING FOR LOCAL SERVICE AREA. (a) Each local mental health or mental retardation authority shall develop a local service area plan to maximize the authority's services by using the best and most cost-effective means of using federal, state, and local resources to meet the needs of the local community according to the relative priority of those needs. Each local mental health or mental retardation authority shall undertake to maximize federal funding.

(b) A local service area plan must be consistent with the purposes, goals, and policies stated in Section 531.001 and the department's long-range plan developed under Section 533.032.

(c) The department and a local mental health or mental retardation authority shall use the local authority's local service plan as the basis for contracts between the department and the local authority and for establishing the local authority's responsibility for achieving outcomes related to the needs and characteristics of the authority's local service area.

1        (d) In developing the local service area plan, the local  
2 mental health or mental retardation authority shall:

3            (1) solicit information regarding community needs  
4 from:

5                    (A) representatives of the local community;

6                    (B) consumers of community-based mental health  
7 and mental retardation services and members of the families of  
8 those consumers;

9                    (C) consumers of services of state schools for  
10 persons with mental retardation, members of families of those  
11 consumers, and members of state school volunteer services councils,  
12 if a state school is located in the local service area of the local  
13 authority; and

14                    (D) other interested persons; and

15            (2) consider:

16                    (A) criteria for assuring accountability for,  
17 cost-effectiveness of, and relative value of service delivery  
18 options;

19                    (B) goals to minimize the need for state hospital  
20 and community hospital care;

21                    (C) goals to ensure a client with mental  
22 retardation is placed in the least restrictive environment  
23 appropriate to the person's care;

24                    (D) opportunities for innovation to ensure that  
25 the local authority is communicating to all potential and incoming  
26 consumers about the availability of services of state schools for  
27 persons with mental retardation in the local service area of the

1 local authority;

2 (E) goals to divert consumers of services from  
3 the criminal justice system;

4 (F) goals to ensure that a child with mental  
5 illness remains with the child's parent or guardian as appropriate  
6 to the child's care; and

7 (G) opportunities for innovation in services and  
8 service delivery.

9 (e) The department and the local mental health or mental  
10 retardation authority by contract shall enter into a performance  
11 agreement that specifies required standard outcomes for the  
12 programs administered by the local authority. Performance related  
13 to the specified outcomes must be verifiable by the department. The  
14 performance agreement must include measures related to the outputs,  
15 costs, and units of service delivered. Information regarding the  
16 outputs, costs, and units of service delivered shall be recorded in  
17 the local authority's automated data systems, and reports regarding  
18 the outputs, costs, and units of service delivered shall be  
19 submitted to the department at least annually as provided by  
20 department rule.

21 (f) The department and the local mental health or mental  
22 retardation authority shall provide an opportunity for community  
23 centers and advocacy groups to provide information or assistance in  
24 developing the specified performance outcomes under Subsection  
25 (e).

26 SECTION 2. Subchapter B, Chapter 531, Government Code, is  
27 amended by adding Section 531.0224 to read as follows:

1       Sec. 531.0224. MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.

2       (a) To ensure appropriate delivery of mental health and substance  
3 abuse services, the commission shall regularly evaluate program  
4 contractors and subcontractors that provide or arrange for the  
5 services for persons enrolled in:

6               (1) the Medicaid managed care program; and

7               (2) the state child health plan program.

8       (b) The commission shall monitor:

9               (1) penetration rates, as they relate to mental health  
10 and substance abuse services provided by or through contractors and  
11 subcontractors;

12               (2) utilization rates, as they relate to mental health  
13 and substance abuse services provided by or through contractors and  
14 subcontractors; and

15               (3) provider networks used by contractors and  
16 subcontractors to provide mental health or substance abuse  
17 services.

18       SECTION 3. Chapter 574, Health and Safety Code, is amended  
19 by adding Subchapter I to read as follows:

20       SUBCHAPTER I. TESTIMONY BY CLOSED-CIRCUIT VIDEO TELECONFERENCING

21                       AT PROCEEDINGS

22       Sec. 574.201. APPLICATION OF SUBCHAPTER. This subchapter  
23 applies only to a hearing or proceeding related to court-ordered  
24 mental health services under this chapter.

25       Sec. 574.202. CERTAIN TESTIMONY BY CLOSED-CIRCUIT VIDEO  
26 TELECONFERENCING PERMITTED. (a) A judge or magistrate may permit a  
27 physician or a nonphysician mental health professional to testify

1 at a hearing or proceeding by closed-circuit video teleconferencing  
2 if:

3 (1) closed-circuit video teleconferencing is  
4 available to the judge or magistrate for that purpose;

5 (2) the proposed patient and the attorney representing  
6 the proposed patient do not file with the court a written objection  
7 to the use of closed-circuit video teleconferencing;

8 (3) the closed-circuit video teleconferencing system  
9 provides for a simultaneous, compressed full-motion video and  
10 interactive communication of image and sound between all persons  
11 involved in the hearing; and

12 (4) on request of the proposed patient, the proposed  
13 patient and the proposed patient's attorney can communicate  
14 privately without being recorded or heard by the judge or  
15 magistrate or by the attorney representing the state.

16 (b) The judge or magistrate must provide written notice of  
17 the use of closed-circuit video teleconferencing to the proposed  
18 patient, the proposed patient's attorney, and the attorney  
19 representing the state not later than the third day before the date  
20 of the hearing.

21 (c) On motion of the proposed patient or of the attorney  
22 representing the state the court shall, or on the court's  
23 discretion the court may, terminate testimony by closed-circuit  
24 video teleconferencing under this section at any time during the  
25 testimony and require the physician or nonphysician mental health  
26 professional to testify in person.

27 (d) A recording of the testimony under Subsection (a) shall

1 be made and preserved with the court's record of the hearing.

2 SECTION 4. (a) This Act takes effect immediately if it  
3 receives a vote of two-thirds of all the members elected to each  
4 house, as provided by Section 39, Article III, Texas Constitution.  
5 If this Act does not receive the vote necessary for immediate  
6 effect, this Act takes effect September 1, 2003.

7 (b) Subsections (c) and (e), Section 533.0354, Health and  
8 Safety Code, as added by this Act, apply only to contracts between  
9 the Texas Department of Mental Health and Mental Retardation and a  
10 local mental health or mental retardation authority executed on or  
11 after January 1, 2004.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1182 passed the Senate on April 25, 2003, by the following vote: Yeas 31, Nays 0; May 30, 2003, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1182 passed the House, with amendments, on May 25, 2003, by the following vote: Yeas 117, Nays 0, two present not voting; May 30, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by the following vote: Yeas 146, Nays 0, one present not voting.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

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Governor