

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 2, 2003

TO: Honorable Jaime Capelo, Chair, House Committee on Public Health

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1967 by Uresti (Relating to diverting persons with mental health disorders, mental retardation, or substance abuse problems from incarceration in certain counties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amends the Health and Safety Code, to provide that the board of the Texas Department of Mental Health and Mental Retardation shall adopt rules to provide that local mental health authorities (LMHA) are responsible for recommending treatment alternatives for persons in contact with the criminal justice system and persons detained in local jails and juvenile detention facilities. If enacted, the legislation will expire on September 1, 2005.

The bill would require the department to prioritize funding for LMHAs that serve counties with populations greater than 500,000 to encourage the development of a system of services to divert persons with mental illness, mental retardation, substance abuse or a combination of these conditions from incarceration. LMHAs that would be affected by the bill: Austin-Travis County, Bluebonnet Trails, Center for Health Care Services, Dallas Area NorthSTAR Authority, El Paso MHMR Center, Gulf Coast Center, MHA of Harris County, Tarrant County, Texana Center, and Tropical TX Center. (Note: Bluebonnet, Dallas Area NorthSTAR Authority, Gulf Coast, Texana Center, and Tropical TX all serve more than one county.)

No significant cost to the state is anticipated to implement the bill because the state could assume a redistribution of existing funds (although this would be contrary to the department's Rider 16, Enhanced Equity) or the local authorities could submit plans to the state specifying how they would prioritize or divert funds from consumers currently served.

The bill would take effect September 1, 2003.

Local Government Impact

Costs to local mental health authorities (LMHAs) to implement provisions of the bill could result in increased costs to those LMHAs. The bill would require the authorities to significantly increase screenings for persons who would meet the definition of "mental health disorder" but not meet the definition of "priority population," which is the current standard of eligibility for LMHAs. Individuals at risk of incarceration would be a priority to receive services over the other populations the LMHA is required to serve. The increased workload to LMHAs would likely increase the number of individuals waiting for services or require the LMHA to provide fewer services to the current population. In counties where these services are not available, there could be a substantial cost for development and implementation of the services

Costs to local mental health authorities (MHAs) to implement Section 3 of the bill would depend on how the Department of Mental Health and Mental Retardation develops its prioritization plan for MHAs that serve counties with populations greater than 500,000. (The counties affected are Bexar, Dallas, El Paso, Harris, Hidalgo, Tarrant, and Travis.)

Source Agencies: 655 Department of Mental Health and Mental Retardation, 694 Youth Commission, 696 Department of Criminal Justice

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